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ABSTRACT

To facilitate the study and understanding of present-day Indian tribal organization and governmental procedures, the Museum of Anthropology of the University of Northern Colorado (formerly known as Colorado State College) has assembled a large number of Indian tribal charters, constitutions, and by-laws to be reproduced as a series of publications. Included in this volume are the Indian Reorganization Act of June 18, 1934; corporate charters of the Lower Brule and Rosebud Sioux tribes of South Dakota; constitutions and by-laws of the Cheyenne River, Crow Creek, Lower Brule, Oglala, Rosebud, and Sisseton-Wahpeton Sioux tribes of South Dakota; the constitution of the Standing Rock Sioux Tribe of North Dakota and South Dakota; and the amended constitution of by-laws of the Yankton Sioux Tribal Business and Claims Committee, South Dakota. (JH)

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CHARTERS, CONSTITUTIONS AND BY-LAWS OF INDIAN TRIBES OF NORTH AMERICA

Part I: The Sioux Tribes of South Dakota

compiled/edited by

George E. Fay

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Museum of Anthropology
Univ of Northern Colorado
~~Colorado State College~~
Greeley, Colorado
80631

May, 1967

RC 004939

PREFACE

To facilitate the study and understanding of present-day Indian tribal organization and governmental procedures, the Museum of Anthropology of Colorado State College has assembled a large number of Indian Tribal Charters, Constitutions and By-Laws to be reproduced as a series of publications. The materials will be published in related groupings, such as by cultural or geographical areas; e.g., the present volume: "The Sioux Tribes of South Dakota".

In a personal communiqué with the editor, Mr. Robert Pennington, Acting Chief of the Branch of Tribal Operations, Bureau of Indian Affairs, Washington, D. C., writes the following about Federal Indian Law:

> "Indian self-government includes generally the power of an Indian tribe, to the extent that it has not been limited by Federal law, to adopt and operate under a form of government to the Indians' choosing, to define conditions of tribal membership, to regulate domestic relations of members, to prescribe rules of inheritance, to levy taxes, to regulate property within the jurisdiction of the tribe, to control the conduct of members by municipal legislation, and to administer justice. Originally, those powers which were exercised by an Indian tribe were not, in general, delegated powers granted by express actions of Congress, but rather inherent powers of a limited dependent sovereignty which had not been extinguished by Federal action. Each Indian tribe began its relationship with the Federal Government as a sovereign or quasi-sovereign government, recognized as such by treaty and in legislation. These powers of sovereignty have been limited from time to time by special treaty provisions and laws designed to take from the Indian tribes control of matters which, in the judgment of Congress, should be expressed elsewhere.

"One of the purposes of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), was to stabilize the tribal organization of Indian tribes by vesting such tribal organization with real, though limited, authority, and by prescribing conditions which must be met by such tribal organizations. The I.R.A. would also, among other things, permit Indian tribes to equip themselves with the devices of modern business organization through forming themselves into business corporations. While a majority of the Indian tribes have organized under the provisions of the I.R.A., many have organized outside of this act."

Not all Indian tribes likewise operate under a Federal Charter; thus, for the tribes in the present volume, or in subsequent volumes, for which no charter is included, it can be assumed then that in most cases none exists.

At the conclusion of the total project, the editor intends to compile an improved, suggested Constitution and By-Laws, for possible future reference by the Indian tribes themselves, based upon selected Articles from all of the present existing tribal documents.

***

Acknowledgments

The editor is indebted to the following persons for providing, and extending permission to reprint herein, the charters, constitutions and bylaws of the Sioux Tribes of South Dakota:

Frank Ducheneaux, Chairman of the Tribal Council; Cheyenne River Sioux Tribe.

Edward Edzards, Superintendent of the Pierre Agency, Bureau of Indian Affairs; Crow Creek Sioux Tribe.

The Tribal Council; Lower Brule Sioux Tribe.

William W. Nye, Reservation Program Officer, Pine Ridge Agency, Bureau of Indian Affairs; Oglala Sioux Tribe.

Antoine Roubideaux, Secretary of the Tribal Council; Rosebud Sioux Tribe.

W. P. Hughes, Superintendent, Sisseton Agency, Bureau of Indian Affairs; Sisseton-Wahpeton Sioux Tribe.

The Tribal Council; Standing Rock Sioux Tribe.

Chairman, The Tribal Council, and George Shubert, Field Representative, Yankton Sub-Agency, Bureau of Indian Affairs; Yankton Sioux Tribe.

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THE INDIAN REORGANIZATION ACT

of June 18, 1934, c. 576, 48 Stat. 984

(25 U.S.C. 461, et.seq.)

[Public—No. 383—73d Congress]

[S. 3645]

AN ACT

To conserve and develop Indian lands and resources; to extend to Indians the right to form business and other organizations; to establish a credit system for Indians; to grant certain rights of home rule to Indians; to provide for vocational education for Indians; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter no land of any Indian reservation, created or set apart by treaty or agreement with the Indians, Act of Congress, Executive order, purchase, or otherwise, shall be allotted in severalty to any Indian.

SEC. 2. The existing periods of trust placed upon any Indian lands and any restriction on alienation thereof are hereby extended and continued until otherwise directed by Congress.

SEC. 3. The Secretary of the Interior, if he shall find it to be in the public interest, is hereby authorized to restore to tribal ownership the remaining surplus lands of any Indian reservation heretofore opened, or authorized to be opened, to sale, or any other form of disposal by Presidential proclamation, or by any of the public-land laws of the United States: Provided, however, That valid rights or claims of any persons to any lands so withdrawn existing on the date of the withdrawal shall not be affected by this Act: Provided further, That this section shall not apply to lands within any reclamation project heretofore authorized in any Indian reservation: Provided further, That the order of the Department of the Interior signed, dated, and approved by Honorable Ray Lyman Wilbur, as Secretary of the Interior, on October 28, 1932, temporarily withdrawing lands of the Papago Indian Reservation in Arizona from all forms of mineral entry or claim under the public land mining laws, is hereby revoked and rescinded, and the lands of the said Papago Indian Reservation are hereby restored to exploration and location, under the existing mining laws of the United States, in accordance with the express terms and provisions declared and set forth in the Executive orders establishing said Papago Indian Reservation: Provided further, That damages shall be paid to the Papago Tribe for loss of any improvements on any land located for mining in such a sum as may be determined by the Secretary of the Interior but not to exceed the cost of said improvements: Provided further, That a yearly rental not to exceed five cents per acre shall be paid to the Papago Tribe for loss of the use or occupancy of any land withdrawn by the requirements of mining operations, and payments derived from damages or rentals shall be deposited in the Treasury of the United States to the credit of the Papago Tribe: Provided further, That in the event any person or persons, partnership, corporation, or association, desires a mineral patent, according to the mining laws of the United States, he or they shall first deposit in the Treasury of the United States to the credit of the Papago Tribe the sum of $1.00 per acre in lieu of annual rental, as hereinbefore provided, to compensate for the loss or occupancy of the lands withdrawn by the requirements of mining operations: Provided further, That patentee shall also pay into the Treasury of the United States to the credit of the Papago Tribe damages for the loss of improvements not heretofore paid in such a sum as may be determined by the Secretary of the Interior, but not to exceed the cost thereof; the payment of $1.00 per acre for surface use to be refunded to patentee in the event that patent is not acquired.

Nothing herein contained shall restrict the granting or use of permits for easements or rights-of-way; or ingress or egress over the lands for all proper and lawful purposes; and nothing contained herein, except as expressly provided, shall be construed as authority for the Secretary of the Interior, or any other person, to issue or promulgate a rule or regulation in conflict with the Executive order of February 1, 1917, creating the Papago Indian Reservation in Arizona or the Act of February 21, 1931 (46 Stat. 1202).

SEC. 4. Except as herein provided, no sale, devise, gift, exchange or other transfer of restricted Indian lands or of shares in the assets of any Indian tribe of corporation organized hereunder, shall be made or approved: Provided, however, That such lands or interests may, with the approval of the Secretary of the Interior, be sold, devised, or otherwise transferred to the Indian tribe in which the lands or shares are located or from which the shares were derived or to a successor corporation; and in all instances such lands or interests shall descend or be devised, in accordance with the then existing laws of the State, or Federal laws where applicable; in which said lands are located or in which the subject matter of the corporation is located, to any member of such tribe or of such corporation or any heirs of such member: Provided further, That the Secretary of the Interior may authorize voluntary exchanges of lands of equal value and the voluntary exchange of shares of equal value whenever such exchange, in his judgment, is expedient and beneficial for or compatible with the proper consolidation of Indian lands and for the benefit of cooperative organizations.

SEC. 5. The Secretary of the Interior is hereby authorized, in his discretion, to acquire through purchase, relinquishment, gift, exchange, or assignment, any interest in lands, water rights or surface rights to lands, within or without existing reservations, including trust or otherwise restricted allotments whether the allottee be living or deceased, for the purpose of providing land for Indians.

For the acquisition of such lands, interests in lands, water rights, and surface rights, and for expenses incident to such acquisition, there is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, a sum not to exceed $2,000,000 in any one fiscal year: Provided, That no part of such funds shall be used to acquire additional land outside of the exterior boundaries of Navajo Indian Reservation for the Navajo Indians in Arizona and New Mexico, in the event that the proposed Navajo boundary extension measures now pending in Congress and embodied in the bills (S.2499 and H.R.8927) to define the exterior boundaries of the Navajo Indian Reservation in Arizona, and for other purposes, and the bills (S.2531 and H.R.8982) to define the exterior boundaries of the Navajo Indian Reservation in New Mexico and for other purposes, or similar legislation, become law.

The unexpended balances of any appropriations made pursuant to this section shall remain available until expended.

Title to any lands or rights acquired pursuant to this Act shall be taken in the name of the United States in trust for the Indian tribe or individual Indian for which the land is acquired, and such lands or rights shall be exempt from State and local taxation.

SEC. 6. The Secretary of the Interior is directed to make rules and regulations for the operation and management of Indian forestry units on the principle of sustained-yield management, to restrict the number of livestock grazed on Indian range units to the estimated carrying capacity of such ranges, and to promulgate such other rules and regulations as may be necessary to protect the range from deterioration, to prevent soil erosion, to assure full utilization of the range, and like purposes.

SEC. 7. The Secretary of the Interior is hereby authorized to proclaim new Indian reservations on lands acquired pursuant to any authority conferred by this Act, or to add such lands to existing reservations: Provided, That lands added to existing reservations shall be designated for the exclusive use of Indians entitled by enrollment or by tribal membership to residence at such reservations.

SEC. 8. Nothing contained in this Act shall be construed to relate to Indian holdings of allotments or homesteads upon the public domain outside of the geographic boundaries of any Indian reservation now existing or established hereafter.

SEC. 9. There is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated such sums as may be necessary, but not to exceed $250,000 in any fiscal year, to be expended at the order of the Secretary of the Interior, in defraying the expenses of organizing Indian chartered corporations or other organizations created under this Act.

SEC. 10. There is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of $10,000,000 to be established as a revolving fund from which the Secretary of the Interior, under such rules and regulations as he may prescribe, may make loans to Indian chartered corporations for the purpose of promoting the economic development of such tribes and of their members, and may defray the expenses of administering such loans. Repayment of amounts loaned under this authorization shall be credited to the revolving fund and shall be available for the purposes for which the fund is established. A report shall be made annually to Congress of transactions under this authorization.

SEC. 11. There is hereby authorized to be appropriated, out of any funds in the United States Treasury not otherwise appropriated, a sum not to exceed $250,000 annually, together with any unexpended balances of previous appropriations made pursuant to this section, for loans to Indians for the payment of tuition and other expenses in recognized vocational and trade schools: Provided, That not more than $50,000 of such sum shall be available for loans to Indian students in high schools and colleges. Such loans shall be reimbursable under rules established by the Commissioner of Indian Affairs.

SEC. 12. The Secretary of the Interior is directed to establish standards of health, age, character, experience, knowledge, and ability for Indians who may be appointed, without regard to civil-service laws, to the various positions maintained, now or hereafter, by the Indian Office, in the administration of functions or services affecting any Indian tribe. Such qualified Indians shall hereafter have the preference to appointment to vacancies in any such positions.

SEC. 13. The provisions of this Act shall not apply to any of the Territories, colonies, or insular possessions of the United States, except that sections 9, 10, 11, 12, and 16, shall apply to the Territory of Alaska; Provided, That Sections 2, 4, 7, 16, 17, and 18 of this Act shall not apply to the following-named Indian tribes, the members of such Indian tribes, together with members of other tribes affiliated with such named tribes located in the State of Oklahoma, as follows: Cheyenne, Arapaho, Apache, Comanche, Kiowa, Caddo, Delaware, Wichita, Osage, Kaw, Otoe, Tonkawa, Pawnee, Ponca, Shawnee, Ottawa, Quapaw, Seneca, Wyandotte, Iowa, Sac and Fox, Kickapoo, Pottawatomi, Cherokee, Chickasaw, Choctaw, Creek, and Seminole. Section 4 of this Act shall not apply to the Indians of the Klamath Reservation in Oregon.

SEC. 14. The Secretary of the Interior is hereby directed to continue the allowance of the articles enumerated in section 17 of the Act of March 2, 1889 (23 Stat.L. 894), or their commuted cash value under the Act of June 10, 1896 (29 Stat.L. 334), to all Sioux Indians who would be eligible, but for the provisions of this Act, to receive allotments of lands in severalty under section 19 of the Act of May 29,1908 (25 Stat.L. 451), or under any prior Act, and who have the prescribed status of the head of a family or single person over the age of eighteen years, and his approval shall be final and conclusive, claims therefor to be paid as formerly from the permanent appropriation made by said section 17 and carried on the books of the Treasury for this purpose. No person shall receive in his own right more than one allowance of the benefits, and application must be made and approved during the lifetime of the allottee or the right shall lapse. Such benefits shall continue to be paid upon such reservation until such time as the lands available therein for allotment at the time of the passage of this Act would have been exhausted by the award to each person receiving such benefits of an allotment of eighty acres of such land.

SEC. 15. Nothing in this Act shall be construed to impair or prejudice any claim or suit of any Indian tribe against the United States. It is hereby declared to be the intent of Congress that no expenditures for the benefit of Indians made out of appropriations authorized by this Act shall be considered as offsets in any suit brought to recover upon any claim of such Indians against the United States.

SEC. 16. Any Indian tribe, or tribes, residing on the same reservation, shall have the right to organize for its common welfare, and may adopt an appropriate constitution and by-laws, which shall become effective when ratified by a majority vote of the adult members of the tribe, or of the adult Indians residing on such reservation, as the case may be, at a special election authorized and called by the Secretary of the Interior under such rules and regulations as he may prescribe. Such constitution and bylaws when ratified as aforesaid and approved by the Secretary of the Interior shall be revocable by an election open to the same voters and conducted in the same manner as hereinabove provided. Amendments to the constitution and bylaws may be ratified and approved by the Secretary in the same manner as the original constitution and bylaws.

In addition to all powers vested in any Indian tribe or tribal council by existing law, the constitution adopted by said tribe shall also vest in such tribe or its tribal council the following rights and powers: To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior; to prevent the sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets without the consent of the tribe; and to negotiate with the Federal, State, and local Governments. The Secretary of the Interior shall advise such tribe or its tribal council of all appropriation estimates or Federal projects for the benefit of the tribe prior to the submission of such estimates to the Bureau of the Budget and the Congress.

SEC. 17. The Secretary of the Interior may, upon petition by at least one-third of the adult Indians, issue a charter of incorporation to such tribe: Provided, That such charter shall not become operative until ratified at a special election by a majority vote of the adult Indians living on the reservation. Such charter may convey to the incorporated tribe the power to purchase, take by gift, or bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, including the power to purchase restricted Indian lands and to issue in exchange therefor interests in corporate property, and such further powers as may be incidental to the conduct of corporate business, not inconsistent with law, but no authority shall be granted to sell, mortgage, or lease for a period exceeding ten years any of the land included in the limits of the reservation. Any charter so issued shall not be revoked or surrendered except by Act of Congress.

SEC. 18. This Act shall not apply to any reservation wherein a majority of the adult Indians, voting at a special election duly called by the Secretary of the Interior, shall vote against its application. It shall be the duty of the Secretary of the Interior, within one year after the passage and approval of this Act, to call such an election, which election shall be held by secret ballot upon thirty days' notice.

SEC. 19. The term "Indian" as used in this Act shall include all persons of Indian descent who are members of any recognized Indian tribe now under Federal jurisdiction, and all persons who are descendants of such members who were, on June 1, 1934, residing within the present boundaries of any Indian reservation, and shall further include all other persons of one-half or more Indian blood. For the purposes of this Act, Eskimos and other aboriginal peoples of Alaska shall be considered Indians. The term "tribe" wherever used in this Act shall be construed to refer to any Indian tribe, organized band, pueblo, or the Indians residing on one reservation. The words "adult Indians" wherever used in this Act shall be construed to refer to Indians who have attained the age of twenty-one years.

Approved June 18, 1934.

***

PERTINENT AMENDMENTS TO THE INDIAN REORGANIZATION ACT

Act of June 15, 1935, c. 260, 49 Stat. 378

[Public—No. 147—74th Congress]

[H.R. 7781]

AN ACT to define the election procedure under the Act of June 18, 1934, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in any election heretofore or hereafter held under the Act of June 18, 1934 (48 Stat. 984), on the question of excluding a reservation from the application of the said Act or on the question of adopting a constitution and bylaws or amendments thereto or on the question of ratifying a charter, the vote of a majority of those actually voting shall be necessary and sufficient to effectuate such exclusion, adoption, or ratification, as the case may be: Provided, however, That in each instance the total vote cast shall not be less than 30 per centum of those entitled to vote.

SEC. 2. The time for holding elections on the question of excluding a reservation from the application of said Act of June 18, 1934, is hereby extended to June 18, 1936.

SEC. 3. If the period of trust or of restriction on any Indian land has not, before the passage of this Act, been extended to a date subsequent to December 31,1936, and if the reservation containing such lands has voted or shall vote to exclude itself from the application of the Act of June 18, 1934, the periods of trust or the restrictions on alienation of such lands are hereby extended to December 31, 1936.

SEC. 4. All laws, general and special, and all treaty provisions affecting any Indian reservation which has voted or may vote to exclude itself from the application of the Act of June 18, 1934 (48 Stat. 984), shall be deemed to have been continuously effective as to such reservation, notwithstanding the passage of said Act of June 18, 1934. Nothing in the Act of June 18, 1934, shall be construed to abrogate or impair any rights guaranteed under any existing treaty with any Indian tribe, where such tribe voted not to exclude itself from the application of said Act.

Approved,June 15, 1935.

***

Act of May 7, 1948, c. 266, 62 Stat. 211

(25 U.S.C. 482)

AN ACT to authorize loans for Indians, and for other purposes.
(H.R. 2622) (Public Law 516)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior, or his designated representative, is hereby authorized, under such regulations as the Secretary may prescribe, to make loans from the revolving fund established pursuant to the Acts of June 18, 1934 (48 Stat. 984), and June 26, 1936 (49 Stat. 1967), to tribes, bands, groups, and individual Indians, not otherwise eligible for loans under the said Acts: Provided, That no portion of these funds shall be loaned to Indians of less than one-quarter Indian blood.

Approved May 14, 1948.

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Act of May 7, 1948, c. 293, 62 Stat. 236

(25 Stat. 483)

AN ACT to authorize the sale of individual Indian lands acquired under the Act of June 18, 1934, and under the Act of June 26, 1936. (H.R. 5262) (Public Law 529)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior, or his duly authorized representative, is hereby authorized in his discretion, and upon application of the Indian owners, to issue patents in fee, to remove restrictions against alienation, and to approve conveyances, with respect to lands or interest in lands held by individual Indians under the provisions of the Act of June 18, 1934 (48 Stat. 984), or the Act of June 26, 1936 (49 Stat. 1967).

Approved May 14, 1948.

***

Act of September 15, 1961, P. L. 87-250, 75
Stat. 520, (25 U.S.C. 470)

AN ACT to amend the law establishing the Indian revolving loan fund.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the appropriation authorization in section 10 of the Act of June 18, 1934 (48 Stat. 986), is hereby amended by increasing it from $10,000,000 to $20,000,000.

Approved September 15, 1961.

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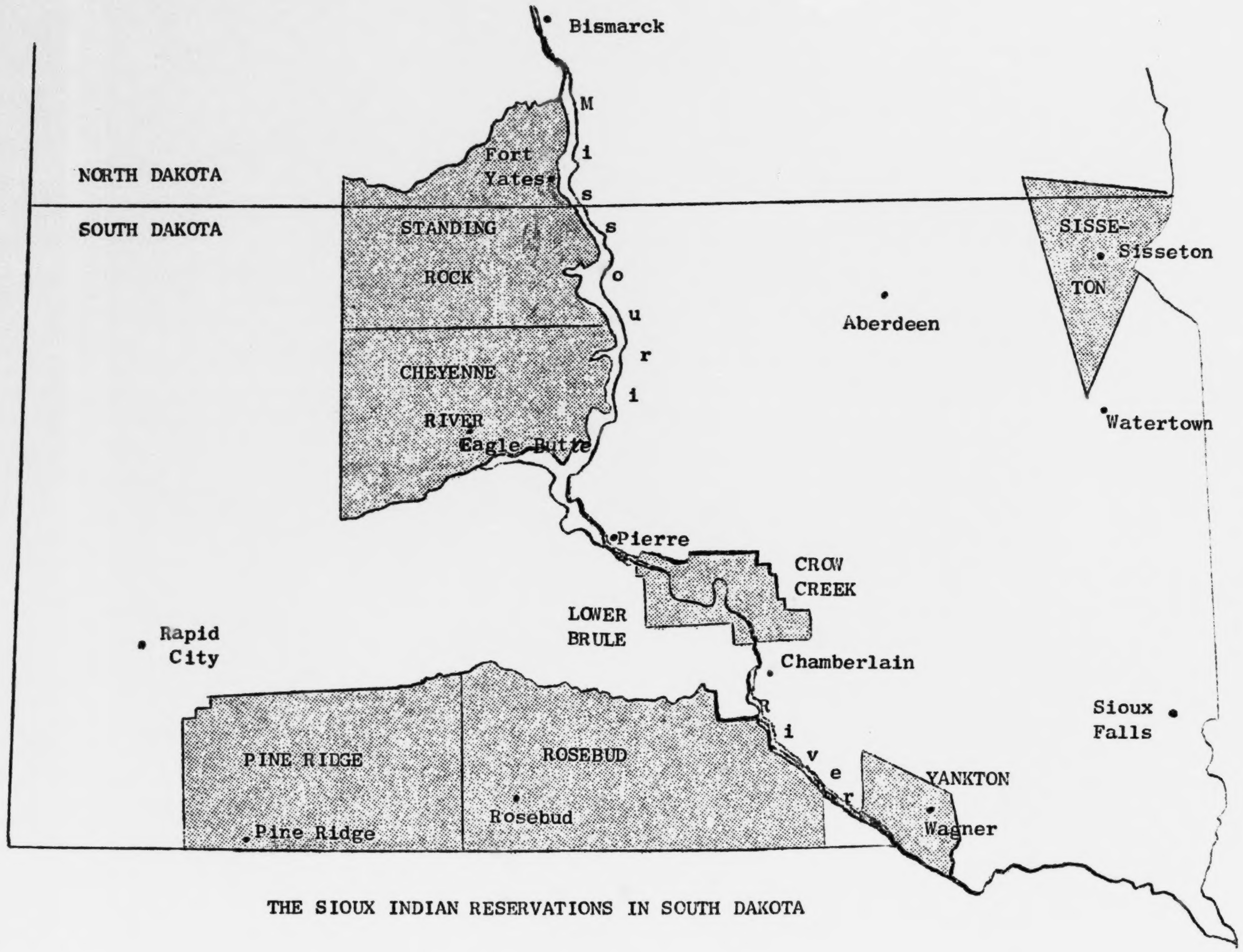
Bismarck
NORTH DAKOTA
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Eagle Butte
Aberdeen
SISSE-TON
Sisseton
Watertown
Pierre
CROW CREEK
LOWER BRULE
Rapid City
Chamberlain
Sioux Falls
PINE RIDGE
Pine Ridge
ROSEBUD
Rosebud
YANKTON
Wagner

THE SIOUX INDIAN RESERVATIONS IN SOUTH DAKOTA

CONSTITUTION AND BY-LAWS OF THE CHEYENNE RIVER SIOUX TRIBE OF SOUTH DAKOTA

Eagle Butte, South Dakota

Approved December 27, 1935

Amended February 11, 1966

We, the Sioux Indians of the Cheyenne River Reservation in the State of South Dakota in order to establish our tribal organization, to conserve our tribal property, to develop our common resources, to establish justice, and to promote the welfare of ourselves and our descendants, do hereby ordain and establish this constitution and by-laws for our tribal council as a guide to its deliberations.

ARTICLE I — TERRITORY

The jurisdiction of the Cheyenne River Reservation Sioux Tribe of Indians shall extend to the territory within the original confines of the diminished reservation boundaries, which are described by the act of March 2, 1889 (25 Stat. L. 888), and including trust allotments without the herein mentioned boundaries and such other lands as may be hereafter added thereto under any law of the United States, except as otherwis provided for by law.

ARTICLE II — MEMBERSHIP

SECTION 1. The membership of the Cheyenne River Sioux Tribe shall consist of the following:

(a) All persons of Indian blood whose names appear on the official census roll of the tribe as of June 18, 1934.

(b) All children born to any member of the Cheyenne River Sioux Tribe who is a resident of the reservation at the time of the birth of said children.

SEC. 2. The tribal council shall have the power:

(a) To admit persons of Cheyenne River Sioux Indian blood to membership upon a two-thirds (2/3) vote of the tribal council.

(b) To strike from the census rolls of the Cheyenne River Sioux Tribe any person who makes application to sever his tribal relations and thereafter such person shall cease to be a member of the Cheyenne River Sioux Tribe of Indians.

ARTICLE III — GOVERNING BODY

SECTION 1. The governing body of the Cheyenne River Sioux Tribe shall consist of council, known as the Cheyenne River Sioux Tribal Council.

SEC. 2. The governing body under this constitution and by-laws shall be composed of one (1) tribal chairman, one (1) tribal secretary, and one (1) tribal treasurer; also fifteen (15) councilmen and such offices as from time to time may be created by the tribal council.

SEC. 3. The tribal chairman, the tribal secretary, and the tribal treasurer shall be elected at large by popular vote; councilmen shall be elected from each district or political subdivision of the reservation by the legal voters residing within the district or precinct from which such councilman is to be elected. There shall be thirteen (13) districts or voting precincts as hereinafter described in article III, section 4 of the by-laws. Councilmen shall be apportioned by and from each district or voting precinct of the reservation as follows:

1. Agency precinct, which shall include the Agency Swiftbird 1, and Shepard Bottom communities: One (1) delegate.

2. Bridger precinct, which shall include the Bridger community: One (1) delegate.

3. Cherry Creek precinct, which shall include the Cherry Creek community: One (1) delegate.

4. Red Scaffold precinct, which shall include the Red Scaffold community: Two (2) delegates.

5. Eagle Butte precinct, which shall include the Eagle Butte community: One (1) delegate.

6. Four Bear precinct, which shall include the Four Bear community: One (1) delegate.

7. Green Grass precinct, which shall include the Bear Creek, Green Grass, and Sans Arc communities: One (1) delegate.

8. Lantry precinct, which shall include the Upper Bear Creek community: One (1) delegate.

9. La Plant precinct, which shall include the La Plant and Ridgeview communities: Two (2) delegates.

10. Promise precinct, which shall include the Promise community: One (1) delegate.

11. Robertson precinct, which shall include the Black Feet and Swift Bird II communities: One (1) delegate.

12. Thunder Butte precinct, which shall include the Iron Lightning and East Thunder Butte communities: One (1) delegate.

13. White Horse precinct, which shall include the White Horse and the Black Tongue communities: One (1) delegate.

Provided: That the Cheyenne River Tribal Council shall have the power both to redistrict the reservation and its precincts and to reassign the number of councilmen to be elected from each district in proportion to the number of qualified voters residing therein, or on a population basis.

SEC. 4. The officers and councilmen provided for in section 2 of this article shall be elected for the following term of office; general elections will be held every two years on the first Tuesday after the first Monday in the month of September.

(a) The tribal chairman, tribal secretary, and the tribal treasurer first elected shall each serve until October 1, 1938; thereafter the term of office for these officials shall be four years.

(b) The councilmen elected at the first general election in no. 1, agency district or precinct; no. 2, Bridger district or precinct; one councilman from no. 4, Red Scaffold district or precinct; no. 7, Green Grass district or precinct; one councilman from no. 9, La Plant district or precinct; no. 11, Robertson district or precinct; and no. 13, White Horse district or precinct shall be elected and hold office until October 1, 1938, when there shall be a general election for councilmen in these districts; thereafter councilmen shall hold office for a term of four (4) years.

(c) All other councilmen elected at the first general election from the no. 3, Cherry Creek district or precinct; one councilman from no. 4, Red Scaffold district or precinct; no. 5, Eagle Butte district or precinct; no. 6, Four Bear district or precinct; no. 8, Lantry district or precinct; one councilman from no. 9, La Plant district or precinct; no. 10, Promise district or precinct; and no. 12, Thunder Butte district or precinct shall hold office until October 1, 1940; thereafter councilmen shall hold office for a term of four (4) years.

SEC. 5. The first election of the tribal council members shall be held on call of the provisional committee, which shall consist of twenty-six (26) members of the Cheyenne River Sioux Tribe of Indians, two (2) from each of the voting precincts on said reservation on October 27, 1934, and five Indian Service employees, which committee the superintendent of said reservation may appoint to supervise the election of officers and councilmen, within thirty (30) days after this constitution and by-laws has been approved by the Secretary of the Interior.

SEC. 6. This committee shall issue its certificate of election to the persons receiving the highest number of votes in each district in accordance with the quota assigned hereby to each of said districts provided for in article III, section 3.

The officers and councilmen so elected and certified to shall report at the Cheyenne River Agency within ten days after the election and take the oath of office. The reservation superintendent shall administer the oath of office.

Said officers and councilmen shall convene within thirty (30) days after the election and organize for business and elect one assistant chairman from their own membership.

SEC. 7. The tribal council shall have supervision and authority over all subsequent elections as provided through by-laws or resolutions hereafter enacted.

ARTICLE IV — POWERS OF SELF-GOVERNMENT

SECTION 1. The tribal council of the Cheyenne River Reservation shall exercise the following powers vested in the present council under existing laws or conferred by the act of June 18, 1934 (48 Stat. 984) and acts amendatory thereof or supplemental thereto, subject to any limitations imposed by the statutes or the Constitution of the United States, and subject further to all express restrictions upon such powers contained in this constitution and the attached by-laws.

(a) To enter into negotiations with the Federal, State, and local Governments on behalf of the tribe.

(b) To present and prosecute any claims or demands of the Cheyenne River Sioux Tribe of Indians. It shall have the right to assist members of the tribe in presenting their claims and grievances before any court or agency of government. It shall have the right to employ attorneys of record or representatives for such services, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

(c) To approve or veto any sale, disposition, lease or encumbrance of tribal lands, interests in land or other tribal assets which may be authorized or executed by the Secretary of the Interior, the Commissioner of Indian Affairs, or any other official or agency of government, provided that no tribal lands shall ever be sold, except those tribal lands located outside of the Cheyenne River Reservation boundary, and outside of the Consolidation Area boundary lines established as of the date of the approval of Public Law 88-418 (August 11, 1964), and set out in tribal council action by Resolution No. 92-64 (September 2, 1964). Tribal lands maynot be encumbered or leased for a period exceeding five years, except as provided for in Article VIII, Section 3.

(d) To confer with the Secretary of the Interior upon all appropriation estimates or Federal projects for the benefit of the tribe prior to the submission of such estimates to the Bureau of Budget and Congress.

(e) To receive voluntary relinquishments of allotments and heirship lands and to make assignments of tribal land to members of the Cheyenne River Sioux Reservation in conformity with article VIII of this constitution.

(f) To select subordinate boards, officials, and employees not otherwise provided for in this constitution and to prescribe their tenure and duties and to establish district councils; to authorize and establish any association or organization having for its purpose and sole object the benefit of the members of the Cheyenne River Sioux Tribe. Such association or organization shall have the right to engage in collective or cooperative bargaining or marketing, or purchasing of supplies, crops, equipment, seed, machinery, building or livestock, the council reserving the right to establish ordinances covering the activities of such association or organization, and to enforce the observance of such ordinances.

(g) To administer any funds or property within the control of the tribe; to make expenditures from available funds for public purposes, including salaries or other remuneration of tribal officials or employees. Such salaries or remuneration shall be paid only for services actually authorized in a regular and legal manner and actually rendered. All expenditures from the tribal council fund shall be by resolution duly passed by the council to that effect and the amount so paid shall be a matter of public record at all times.

(h) The council shall have the power when just cause or extreme emergency exists, which shall create a hazard to the peace and safety of the tribe as a whole or to the individual members thereof, to require the individual members of the tribe or other residents upon the reservation to assist with community labor.

(i) To create and maintain a tribal council fund by accepting grants or donations from any person, State, or the United States, or by levying assessments of not less than ten cents, and not to exceed one dollar ($1.00) per year, per capita on the qua lified voters of the Cheyenne River Sioux Tribe, and to require the performance of community labor in lieu thereof, provided the payment of such per capita levy shall be made before any person shall vote in any election held more than six months after the date of said levy; and to levy taxes and license fees subject to review by the Secretary of the Interior, upon non-members doing business with the reservation. Any money so collected shall be disposed of as provided for in article IV, section 1(g) of this constitution.

(j) To provide by ordinance, subject to review by the Secretary of the Interior, for removal or exclusion from the territory of the Cheyenne River Sioux Tribe of any non-members whose presence may be injurious to the members of the tribe morally or criminally.

(k) To promulgate ordinances for the purpose of safe-guarding the peace and safety of residents of the Cheyenne River Reservation, and to establish courts for the adjudication of claims or disputes arising among the members of the tribe and for the trial and punishment of members of the tribe charged with the commission of offenses set forth in such ordinances.

(l) To purchase under condemnation proceedings, land or other property needed for public purposes, subject to the approval of the Secretary of the Interior.

(m) To protect the public health and morals and to promote the public welfare by regulating the use and disposition of property of members of the tribe.

(n) To regulate the inheritance of property, real and personal, other than allotted lands, within the territory of the Cheyenne River Sioux Reservation, subject to review by the Secretary of the Interior.

(o) To provide by ordinance for the appointment of guardians for minors and mental incompetents, subject to the approval of the Secretary of the Interior.

(p) To adopt resolutions regulating the procedure of the council itself and of other tribal agencies and tribal officials of the reservation.

SEC. 2. Manner of review. —Any resolution or ordinance which, by the terms of this constitution, is subject to review by the Secretary of the Interior, shall be presented to the superintendent of the reservation, who shall, within ten (10) days thereafter, approve or disapprove the same. If the superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may within ninety (90) days from the date of enactment, rescind the said ordinance or resolution for any cause, by notifying the tribal council of such rescission.

If the superintendent shall refuse to approve any resolution or ordinance submitted to him, within ten days after its enactment, he shall advise the tribal council of his reasons therefor. If these reasons appear to the tribal council insufficient, it may, by a majority popular vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within ninety (90) days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

SEC. 3. Future powers. —The council shall have the power to act on such other necessary or emergency cases as may be delegated to the tribe by the Secretary of the Interior, or by any other official or agency of the Government.

SEC. 4. Reserved powers. —The foregoing enumeration of powers shall not be construed to limit the powers of the tribal council, but all powers of local government not expressly entrusted to the council by this constitution and by-laws shall be reserved to the legal voters of the Cheyenne River Tribe. Such powers may be exercised through appropriate by-laws and constitutional amendments.

ARTICLE V — ELECTIONS AND NOMINATIONS

SECTION 1. All enrolled members of the Cheyenne River Tribe, 21 years of age or over, who have maintained legal residence on the reservation for a period of one year immediately prior to any election shall have the right to vote.

SEC. 2. No person shall be a candidate for membership in the tribal or district council or other tribal office unless he shall be a member of the Cheyenne River Sioux Tribe, and shall have resided for a period of one year next preceding the election in the district of his candidacy, and he shall be over twenty-five (25) years of age.

SEC. 3. Any member of the tribe may become a candidate for any office upon the signed petition of at least ten (10) legal voters from the district where he is declared to be a legal resident.

Any legal member of the tribe shall be considered a candidate for office when certified by the district council or other authorized organization of the district presenting his candidacy.

SEC. 4. When any election is to be held in any or at all the districts, thechairman of the tribal council shall appoint a superintendent of an election in each of said districts, and the superintendent so appointed shall have power to appoint two (2) judges and two (2) ballot clerks, which will constitute the election board. The duties of this election board shall be to supervise the election.

ARTICLE VI — REMOVAL FROM OFFICE

SECTION 1. If any officer or member of the tribal council shall absent himself from any three (3) consecutive regular or special meetings without sufficient reason, the other members may declare the office vacant by two-thirds (2/3) vote of the council.

SEC. 2. Any officer or member of the tribal council convicted by Federal, State, or Indian court may be removed from office by two-thirds (2/3) vote of the council.

SEC. 3. If any vacancies occur in the membership of the tribal council through resignation, recall, impeachment, or death, the district council wherein he resides and is elected from shall proceed to elect a new councilman to finish the unexpired term of such member.

SEC. 4. Recall. —Every person elected to a tribal office by the Sioux Indians of the Cheyenne River Indian Reservation is subject to recall from such office upon petition of 40% of the electors of the reservation, or the district or voting precinct, qualified to vote for such office, but no recall election shall be held without the approval of the council.

SEC. 5. The ballot used at such election shall contain the question: "Shall ——— ——— be recalled from office on the Cheyenne River Tribal Council?" and shall contain a space opposite such question, in which shall appear the words "Yes—No", and the voter shall indicate by making a mark as to whether he wishes to vote for or against the recall of the member so named.

SEC. 6. No member of the council shall take part in the deliberations of the council, nor shall he have a vote in balloting upon any matter pertaining to any recall election or the results thereof when such member shall be the one whom it is proposed to recall.

ARTICLE VII — REFERENDUM

SECTION 1. Upon a petition of at least three hundred (300) qualified voters of the Cheyenne River Sioux Reservation a referendum may be demanded on any enacted or proposed ordinance or resolution of the Cheyenne River Sioux Tribal Council, and the vote of the majority of the qualified voters in such referendum shall be conclusive and binding on the tribal council.

ARTICLE VIII — LAND

SECTION 1. Allotted lands. —Allotted lands, including heirship lands, within the Cheyenne River Reservation shall continue to be held as heretofore by their present owners. It is recognized that under existing law such lands may be condemned for public purposes, such as roads, public buildings, or other public improvements, upon payment of adequate compensation, by any agency of the State of South Dakota or of the Federal Government, or by the tribe itself. It is further recognized that under existing law such lands may be inherited by the heirs of the present owner, whether or not they are members of the Cheyenne River Sioux Tribe. Likewise it is recognized that under existing law the Secretary of the Interior may, in his discretion, remove restrictions upon such land, upon application by the Indian owner, whereupon the land will become subject to State taxes and may then be mortgaged or sold.

The right of the individual Indian to hold or to part with his land, as under existing law, shall not be abrogated by anything contained in this constitution, but the owner of restricted land may, with the approval of the Secretary of the Interior, voluntarily convey his land to the Cheyenne River Sioux Tribe either in exchange for a money payment or in exchange for an assignment covering the same land or other land, as hereinafter provided.

SEC. 2. Tribal lands. —The unallotted lands of the Cheyenne River Reservation and all lands which may hereafter be acquired by the Cheyenne River Sioux Tribe or by the United States in trust for the Cheyenne River Sioux Tribe shall be held as tribal lands, and no part of such lands shall be sold, except those tribal lands located outside of the Cheyenne River Reservation boundaries, and outside of the Consolidation Area boundary lines established as of the date of the approval of Public Law 88-418 (August 11, 1964), and set out in tribal council action by Resolution No. 92-64 (September 2, 1964). Tribal lands shall not be mortgaged, nor allotted to individual Indians, but may be assigned to members of the Cheyenne River Sioux Tribe or leased or otherwise used by the tribe, as hereinafter provided.

SEC. 3. Leasing of tribal lands. —Tribal lands may be leased by the tribal council, with the approval of the Secretary of the Interior for public, religious, educational, recreational, residential, or business purposes for a period not to exceed 25 years and may include a provision authorizing a renewal or an extension for one additional term of not to exceed 25 years, but no one lease or contract shall be for a tract in excess of 160 acres.

Grazing permits covering tribal land may be issued by the tribal council, with the approval of the Secretary of the Interior. Such grazing permits shall not exceed a term of five years.

In the leasing of tribal lands and the issuance of grazing permits preference shall be given first to Indian cooperative associations, and, secondly, to individual Indians, who are members of the Cheyenne River Sioux Tribe. No lease of tribal land to a non-member or the issuance of a grazing permit to a non-member shall be made by the tribal council unless it shall appear that no Indian cooperative association or individual member of the tribe is able and willing to use the land and to pay a reasonable fee of such use.

SEC. 4. Grant of "standard" assignments. —In any assignment of tribal lands which are now owned by the tribe or which hereafter may be acquired for the tribe by the United States or purchased by the tribe out of tribal funds, preference shall be given, first to heads of families which are entirely landless, and, secondly, to heads of families which have no allotted lands or interests in allotted lands but shall have already received assignments consisting of less than an economic unit of agricultural land, or other land or interests in land of equal value, such unit to be determined from time to time by the tribal council.

The tribal council may, if it sees fit, charge a fee of not to exceed $25 on approval of an assignment made under this section.

Assignments made under this section shall be for the primary purpose of establishing homes for landless Indians, and shall be known as "standard" assignments.

SEC. 5. Tenure of "standard" assignments. —If any member of the tribe holding a "standard" assignment of land shall, for a period of two (2) years, fail to use the land so assigned, his assignment may be cancelled by the tribal council after due notice and an opportunity to be heard, and the said land, may be reassigned in accordance with the provisions of section 4 of this article.

Upon the death of any Indian holding a "standard" assignment his heirs or other individuals designated by him, by will or by written request shall have a preference in the reassignment of the land, provided such persons are members of the Cheyenne River Sioux Tribe who would be eligible to receive a "standard" assignment.

SEC. 6. Grant of "exchange" assignment. —Any member of the tribe who owns an allotment or any share of heirship land may voluntarily transfer his interest in such land in exchange for any assignment to the same land or other land of equal value. If the assignee prefers, he may receive, in lieu of a specific tract of land, a proportionate share in a larger grazing unit.

Assignments made under this section shall be known as "exchange" assignments.

SEC. 7. Leasing of "exchange" assignments. — "Exchange" assignments may be used by the assignee or leased by him to Indian cooperative associations, to individual members of the tribe, or, if no individual Indian or Indian cooperative association is able and willing to rent the land at a reasonable fee, such assignments may be leased to non-Indians, in the same manner as allotted lands.

SEC. 8. Inheritance of "exchange" assignments. — Upon the death of the holder of any "exchange" assignment, such land shall be reassigned by the tribal council to his heirs or devisees, subject to the following conditions:

(a) Such lands may not be reassigned to any heirs or devisees who are not members of the Cheyenne River Sioux Tribe, except that a life assignment may be made to the surviving widower or widow of the holder of assignment.

(b) Such lands may not be reassigned to any heirs or devisees who already hold more than a certain number of acres of grazing land, or other land or interests in land of equal value, either under allotment or under assignment, such amounts to be determined from time to time by the council.

(c) Such lands may not be subdivided among heirs or devisees into units too small for convenient management. No area of grazing land shall be subdivided into units smaller than sixty (60) acres, and no area of agricultural land shall be subdivided into units smaller than two and one-half acres, except that land used for buildings or other improvements may be divided to suit the conveniences of the parties. Where it is impossible to divide the land properly among the eligible heirs or devisees, the tribal council shall issue to such heirs or devisees grazing permits or other interests in tribal lands of the same value as the assignments of the decedent.

(d) If there are no eligible heirs or devisees of the decedent, the land shall be eligible for reassignment in accordance with the provisions of section 4 of this article.

SEC. 9. Inheritance of improvements. —Improvements of any character made upon assigned land may be bequeathed to and inherited by members of the Cheyenne River Sioux Tribe or otherwise disposed of under such regulations as the tribal council shall provide. No permanent improvements shall be removed from the land without the consent of the tribal council.

SEC. 10. Exchange of assignments. — Assignments may be exchanged between members of the Cheyenne River Sioux Tribe by common consent in such manner as the tribal council shall designate.

SEC. 11. Use of unassigned tribal land. —Tribal land which is not assigned, including tribal timber reserves, shall be managed by the tribal council for the benefit of the members of the entire tribe, and any cash income derived from such land shall accrue to the benefit of the tribe as a whole.

SEC. 12. Purchase of land by the tribe. —Tribal funds may be used with the consent of the Secretary of the Interior, to acquire land, under the following conditions:

(a) Land within the Cheyenne River Reservation or adjacent to the boundaries thereof which is not now in Indian ownership may be purchased by or for the Cheyenne River Tribe.

(b) Restricted land, which is in heirship status at the time of the adoption and approval of this constitution, may be purchased by or for the tribe, with the consent of all the adult heirs, and the legal guardians of minor heirs, payment therefor to be made as may be agreed upon.

(c) Land owned by any member of the tribe who is over the age of sixty (60) years, or who is physically incapacitated, may be transferred by its owner to the tribe in exchange for a pension of not more than twice the usual rental value of the land for the life of the pensioner, to be paid out of available tribal funds.

(d) Land in excess of 320 acres owned by any member of the tribe may be purchased by the tribe, with the consent of the owner, payments to be made under such terms as may be agreed upon.

(e) Land owned by any member of the tribe who desires to leave the reservation permanently may be purchased by the tribe, under such terms as may be agreed upon.

SEC. 13. Method of making assignments. —Applications for assignment shall be filed with the secretary of the council and shall be in writing, setting forth the name of the person or persons applying for the land and as accurate a description of the land desired as the circumstances will permit. Notices of all applications received by the secretary shall be posted by him in the agency office and in at least three conspicuous places in the district in which the land is located for not less than twenty (20) days before action is taken by the council. Any member of the tribe wishing to oppose the granting of an assignment shall do so in writing, setting forth his objections, to be filed with the secretary of the council, and may if he so desires appear before the council to present evidence. The secretary of the council shall furnish the superintendent or other officers in charge of the agency, a complete record of all action taken by the council on applications for assignment of land, and a complete record of assignments shall be kept in the agency office and shall be open for inspection by members of the tribe.

The council shall draw up one or more forms for standard and exchange assignments, which shall be subject to the approval of the Secretary of the Interior.

ARTICLE IX — AMENDMENTS

SECTION 1. This constitution and the appended by-laws may be amended by a majority of the qualified voters of the tribe voting at an election called for that purpose by the Secretary of the Interior, provided that at least 30 per cent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior.

SEC. 2. It shall be the duty of the Secretary of the Interior, upon presentation of a petition signed by at least two hundred (200) legal voters of the tribe, and upon request by the council, to call an election on any proposed amendment.

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BY-LAWS OF THE CHEYENNE RIVER SIOUX TRIBE OF SOUTH DAKOTA

ARTICLE I — DUTIES OF OFFICERS

SECTION 1. It shall be the duty of the chairman to preside at all meetings of the council. He shall have a vote only when a tie occurs.

SEC. 2. In the absence of the regular chairman the assistant chairman shall preside and he shall have all powers, privileges, and duties of the regular chairman, and may cast a vote in the case of a tie.

SEC. 3. It shall be the duty of the tribal secretary to keep a true and accurate record of all matters affecting the tribal records and accounts, and to render a proper accounting of such records and statistics as are required by the tribal council. He shall be present at all meetings of the council and shall keep an accurate record of all council proceedings, including the minutes of each special and regular meetings.

(a) Minutes of all special or regular meetings shall be in triplicate, the original copy to be filed at the Cheyenne Agency Tribal Office, one copy to be presented to the superintendent, and one copy to be transmitted to the Commissioner of Indian Affairs.

(b) The secretary shall have voice in the deliberations of the council, but shall not vote.

SEC. 4. The duties of the treasurer of the tribal council shall be as follows: He shall accept, receive, receipt for, preserve, and safeguard all funds in the custody of the council, whether same be tribal funds or special funds for which the council is acting as trustee or custodian. He shall deposit all such funds in such bank or elsewhere, as directed by the council, and he shall keep an accurate record, filing same in the tribal council's office, and he shall report all receipts and expenditures and accounts and the nature of all funds in his possession or custody, once every six months to the tribal council in writing, or at any time he is requested to do so by the tribal council.

(a) He shall not disburse any funds in his custody belonging to the council except when authorized by a motion duly passed and properly recorded by the council.

(b) He shall be present at all special or regular meetings of the council, but will have no voice or vote in the deliberations of the council, only when making reports or to furnish the necessary information required by the council.

(c) The treasurer shall be required to furnish a bond satisfactory to the council.

(d) The books and records of the treasurer shall be audited at least once each year by a competent auditor employed by the tribal council or under the direction of the Commissioner of Indian Affairs.

SEC. 5. There shall be a sergeant-at-arms and he will be appointed by the tribal council.

(a) It shall be his duty to be present at all meetings of the tribal council, and to maintain order and decorum within the council chamber; he shall serve all summonses emanating from the council, and shall perform such other duties as may be designated by the council. He shall have no voice or vote in the deliberations of the council, except when making reports or furnishing information requested by the council.

ARTICLE II — QUALIFICATIONS OF OFFICE

Any person elected as an officer or councilmen must be a Sioux Indian, enrolled on the Cheyenne River Reservation, and over twenty-five (25) years of age at the time of his or her election.

(a) No employee of the Indian Service shall be elected as an officer or councilman.

(b) No person convicted of felony shall be elected as an officer or councilman.

(c) The tribal council shall be the sole judge of the qualifications of its own members.

(d) All councilmen must be elected from their respective districts, and be a resident of the district of which they are elected.

ARTICLE III — DISTRICT OR PRECINCT ORGANIZATION, ELECTIONS, AND CERTIFICATION

SECTION 1. Each voting precinct established under this constitution as provided in article III, section 4, shall elect at the first general election and biannually thereafter a president, secretary, and treasurer. These district officials shall hold office for a term of two years. The president shall call and preside over all councils of the community whenever necessary for the consideration of matters of local interest and may exercise such further powers as may be delegated to him by the tribal council. He shall file with the tribal council and certify all nominations for office within the precinct and at large, according to section 3, article V of this constitution. The actions of the precinct officers shall not be inconsistent with the constitution and by-laws and ordinances of the tribe. A tribal councilman, in addition to the office of tribal councilman, may hold any of these district offices if elected to such office by the voters of his district.

SEC. 2. It shall be the duty of the district council to see that all nominations for tribal office, including membership in the council, shall be made in strict accord with the provisions of the constitution, and to certify as to the legality of such nominations, otherwise it shall be considered illegal and ineffective by the tribal council.

SEC. 3. All tribal elections for officers shall be canvassed and certified by the council, or a board appointed by them, the results of such elections. No candidate shall be considered legally elected, nor shall he hold office until such canvass and certification shall have been made by the council within five (5) days after such elections.

SEC. 4. All necessary details concerning tribal nominations and elections not specifically covered in these by-laws or in the constitution, shall be more fully set forth in ordinances to be hereafter established by the council.

SEC. 5. Each district or voting precinct established under section 3 of article III of the constitution are hereby outlined by legal subdivisions, as follows:

No. 1. Agency district. —Beginning at a point on the west bank of the Missouri River, following the township line west to the SE corner of section 36, township 14 north, range 29 east; thence south to the southeast corner of section 36, township 13 north, range 29 east; thence west to the southwest corner of said section 36; thence south along the range line to where it intersects the west bank of the Missouri River; thence north and east along the west bank of the Missouri River to the point of beginning.

No. 2. Bridger district. —Beginning at a point on the north bank of the Cheyenne River where the range line dividing ranges 19 east and range 20 east intersects said Cheyenne River; thence north to the township line dividing townships 8 and 9 north; thence west along said township line to the west boundary line of the Cheyenne River Reservation; thence south along said line to the Cheyenne River; thence east along the north bank of said Cheyenne River to the point of beginning.

No. 3. Cherry Creek district. —Beginning at a point on the north bank of the Cheyenne River where the range line between ranges 22 east and 23 east intersect said river; thence north following said range line to the township line dividing townships 10 and 11 north; thence west to the southeast corner of section 36, township 11 north, range 20 east; thence south to the southeast corner of section 36, township 9 north, range 20 east; thence west to a point to the range line dividing ranges 19 and 20 east; thence south along said range line to the north bank of the Cheyenne River; thence along the bank of the Cheyenne River to the point of beginning.

No. 4. Red Scaffold district. —Beginning at the southeast corner of section 36, township 9 north, range 20 east; thence north along the range line to the southeast corner of section 36, township 12 north, range 20 east; thence west along the township line to the west boundary line of the said Cheyenne River Reservation; thence south along said reservation boundary line to where the township line dividing townships 8 north and 9 north intersect said boundary line of the reservation; thence east along said township line to the point of beginning.

No. 5. Eagle Butte district. —Beginning at a point on the north bank of the Cheyenne River where the range line dividing range 26 east and range 27 east intersect said river; thence north to the right-of-way to the Chicago, Milwaukee and Pacific Railroad; thence along said right-of-way across section 36, township 13 north, range 26 east; thence north following the township line to the southeast corner of section 36, township 14 north, range 26 east; thence west to the southeast corner of section 36, township 14 north, range 22 east; thence south to the southeast corner of section 18, township 12 north, range 23 east; thence west to the southeast corner of section 13, township 12 north, range 21 east; thence south to the southeast corner of section 36, township 11 north, range 21 east; thence east to the southeast corner of section 36, township 11 north, range 22 east; thence south along the range line to the north bank of the Cheyenne River; thence following the said Cheyenne River in a northeasterly direction to the point of beginning.

No. 6. Fourbear district. —Beginning on the west bank of the Missouri River at a point where the township line dividing townships 15 and 16 north intersect said river; thence west to the southeast corner of section 36, township 16 north, range 29 east; thence south along the range line to the southeast corner of section 36, township 14 north, range 29 east; thence east along the township line to where it intersects the west bank of said Missouri River; thence north along the west bank of the Missouri River to the point of beginning.

No. 7. Green Grass district. —Beginning at the southeast corner of section 36, township 14 north, range 26 east; thence north to the southeast corner of section 36, township 15 north, range 26 east; thence west to the southeast corner of section 36, township 15 north, range 24 east; thence north to the southeast corner of section 36, township 16 north, range 24 east; thence west to the southeast corner of section 36, township 16 north, range 23 east; thence north following the range line to the north boundary line of the Cheyenne River Reservation; thence west to the northeast corner of section 2, township 17 north, range 22 east; thence south to the south boundary line of township 17 north; thence east to where the range line dividing ranges 22 and 23 east intersect said township line; thence south along said range line to the southeast corner of section 36, township 14 north, range 22 east; thence east along the township line to the point of beginning.

No. 8. Lantrey district. —Beginning at the southeast corner of section 18, township 12 north, range 22 east; thence due north to the southeast corner of section 1, township 15 north, range 22 east; thence west to the southeast corner of section 1, township 15 north, range 21 east; thence south along the range line to the southeast corner of section 13, township 12 north, range 21 east; thence west to the point of beginning.

No. 9. LaPlant district. —Beginning at a point on the west bank of the Missouri River where the range line dividing ranges 29 and 30 east intersects said river; thence north following said range line to the southeast corner of section 13, township 15 north, range 29 east; thence west to the southeast corner of section 18, township 15 north, range 28 east; thence south to the southeast corner of section 31, township 15 north, range 28 east; thence west to the southeast corner of section 36, township 15 north, range 26 east; thence south following the range line to the north bank of the Cheyenne River; thence meandering along the banks of said Cheyenne River and the Missouri River to the point of beginning.

No. 10. Promise district. —Beginning at the southeast corner of section 13, township 15 north, range 29 east; thence north to the north boundary line of the said Cheyenne River Reservation; thence west along said boundary line to the northeast corner of section 1, township 17 north, range 27 east; thence south to the southeast corner of section 18, township 15 north, range 28 east; thence east to the point of beginning.

No. 11. Robertson precinct. —Beginning at a point where the north boundary line of the Cheyenne River Reservation intersects the Missouri River; thence west to the northeast corner of section 1, township 17 north, range 29 east; thence south following the range line to the southeast corner of section 36, township 16 north, range 29 east; thence east following said township line to the west bank of the Missouri River; thence north along the west bank of the Missouri River to the point of beginning.

No. 12. Thunder Butte district. —Beginning at the southeast corner of section 36, township 11 north, range 21 east; thence north following the range line to the southeast corner of section 1, township 15 north, range 21 east; thence east to the southeast corner of section 1, township 15 north, range 22 east; thence north following the section line to the north boundary line of the Cheyenne River Reservation; thence west following the said boundary line to the northwest corner of the said Cheyenne River Reservation; thence south following the west boundary line of said Cheyenne River Reservation to the south boundary line of township 12 north; thence east to the southeast corner of section 36, township 12 north, range 20 east; thence south to the southeast corner of section 36, township 11 north, range 20 east; thence east following the township line to the point of beginning.

No. 13. White Horse district. —Beginning at the southeast corner of section 31, township 15 north, range 28 east; thence due north to the north boundary line of the Cheyenne River Reservation; thence west to the northeast corner of section 1, township 17 north, range 23 east; thence south along the range line to the southeast corner of section 36, township 16 north, range 23 east; thence east to the southeast corner of section 36, township 16 north, range 24 east; thence south to the southeast corner of section 36, township 15 north, range 24 east; thence east to the point of beginning.

ARTICLE IV — MEETINGS AND PROCEDURE

SECTION 1. Immediately after the election of members of the tribal council and said elected members are duly certified as provided for in article III, section 6, the members shall assemble at the Cheyenne Agency and organize for business, and appoint one sergeant-at-arms.

SEC. 2. The council shall meet regularly on the first Tuesday of each month. The meetings shall be held at the agency office or other building provided for such purpose.

SEC. 3. Special meetings of the council shall be held at such times as are designated by the chairman, and he shall notify the members at least twenty-four (24) hours before the date of such meeting.

SEC. 4. At any special or regular meeting of the tribal council with two-thirds (2/3) of the members present it shall constitute a quorum, and the council may proceed to transact any business that may come before it. Without a quorum the chairman shall adjourn the meeting.

SEC. 5. Special meetings of the council shall also be held upon written request of either seven (7) members of the council or by petition signed by one hundred (100) legal voters of the tribe. Such written request shall be filed with the chairman or the secretary of the council, and he shall notify the council members twenty-four (24) hours before the date of such council meeting.

SEC. 6. All sessions of the tribal council (except executive) shall be open to all members of the tribe. Balloting at all sessions shall be either by acclamation or by secret written ballot, as the presiding officer shall direct.

SEC. 7. The council may, upon motion duly passed, go into executive sessions. At such sessions all persons shall be excluded from the council chamber, and any such person whose presence shall be required before the council shall be designated by the chairman, and no other persons shall be allowed to be present other than the members of the council and the secretary.

SEC. 8. The order of business at any regular or special meeting of the tribal council shall be as follows:

(a) Council called to order for session.
(b) Roll call.
(c) Prayer by an authorized person.
(d) Opening address by the presiding officer or by others.
(e) Reading and acceptance of minutes of previous meeting.
(f) Reports of standing committee.
(g) Reports of council treasurer.
(h) Reports of the special committees.
(i) Reports of the board of directors or advisors.
(j) Reading of communications and reports.
(k) Impeachment trials.
(l) Installation of new officers.
(m) Unfinished business.
(n) New business.
(o) Appointment ofcommittees and directors.
(p) Adjournment.

SEC. 9. It shall be the duty of the council to exercisecare and caution to the end that a complete record is preserved of all acts of the council and of all committees appointed therefrom. Accurate copies of all such records shall be preserved in the files of the council and accurate copies of all necessary records shall be transmitted to such bureaus, departments, or elsewhere as may be required.

SEC. 10. All records of the council and its committees or delegates shall at all times be a matter of public record, and any member of the Cheyenne River Sioux Tribe or his authorized representative, or any properly authorized officer or employee of any Government department shall have full access to same during business hours. However, it is provided that matters before the council while in executive session shall be, at the option of the council, withheld from the public or from individuals or their representatives, until after same shall have been acted upon or otherwise quietly disposed of.

SEC. 11. Copies of all leases, contracts, deeds, or assignments and all other papers or documents pertaining to lands of any nature on the reservation shall be carefully preserved by the council, and insofar as it is possible all other documents affecting the rights and equities of the tribe as a whole, or the individual members thereof, shall be kept and preserved in order that such information shall at all times be available to the council and to the individual members of the tribe; and duplications of all such documents shall be deposited in the files of one agency.

ARTICLE V — TRIBAL COURT (JUDICAL CODE)

SECTION 1. (a) It shall be the duty of the council to provide, through the necessary by-laws or ordinances, for the establishment of a tribal court upon the reservation.

(b) This court shall have the jurisdiction over all such petty offenses not falling within the exclusive jurisdiction of Federal or State courts, as may be provided in the ordinances of the tribe.

(c) This court shall have jurisdiction over all Indians upon the reservation and over such disputes or lawsuits as shall occur between Indians on the reservation or between Indians and non-Indians where such cases are brought before it by stipulation of both parties provided that jurisdiction over Indian employees of the Indian Service shall be subject to rules and regulations prescribed by the Secretary of the Interior.

(d) The duties and jurisdiction of this court shall be more fully prescribed by appropriate by-laws or ordinances.

SEC. 2. It shall be the duty of the council to establish by ordinance a tribal police force which shall have full jurisdiction upon the reservation, the authority and duties of this police force under which it will function may be outlined by the council, such police to be employees of the council and shall be an agency of the tribal court.

ARTICLE VI — RELATION BETWEEN FEDERAL AND TRIBAL GOVERNMENT

SECTION 1. The Indians of the Cheyenne River Reservation recognize their inability to control or assume all responsibilities of administration, such as: The supervision of health and educational services; employees of the Federal Government through whom we must make contact with the administrative office in Washington to manage wholly our internal affairs; and matters over which the tribal council has no authority.

ARTICLE VII — LAW OF PROPERTY

SECTION 1. It shall be the duty of the council to pass rules and regulations to prevent unauthorized prospecting or mining of any kind upon the reservation and to see that such rules and regulations are properly enforced.

SEC. 2. The council shall pass ordinances for the control of hunting and fishing upon the reservation, not conflicting with any of the Federal or State game laws. The council shall enforce such ordinances and cooperate with Federal and State authorities for protection of game on the reservation. Further, the council may issue licenses for hunting and fishing and shall establish and act for same.

ARTICLE VIII — PUBLIC WELFARE

SECTION 1. Charity.—(a) The council at all times determines in careful manner what constitutes just cause for charity or financial aid or assistance to the indigent members of the tribe, and shall make proper provisions for recommendation to proper agencies for relief.

(b) The council shall designate persons who shall administer charity work on the reservation, and the solicitation and expenditure of charity funds conducted in a systematic manner and that the right to do so may not be abused. It shall seek and cooperate with such charity organizations and thereby render assistance or aid to the poor and needy.

(c) The council shall at all times endeavor to discuss and eliminate the cause for indigency, exercising wise and judicious supervision and management of the affairs of the finances of individual members of the tribe, to the end that need, privation, and financial distress may be entirely eliminated among the members of the tribe.

SEC. 2. Education.—(a) The council shall pass necessary ordinances to promote and increase learning and education among the members of the tribe, studying present school systems, and recommending plans for improving them to the proper bureaus or departments.

(b) The council shall enter into negotiations with nonreservation schools and procure for the members of the tribe the highest type of educational facilities, to the end that younger members of the tribe shall have every possible advantage, attaining that degree of education that will fit them to meet and take part in the modern civilization and advancement.

SEC. 3. Social welfare.—(a) The council shall encourage and promote among the residents of the reservation by every pratical means a proper system of social and home education in home economics, hygiene, home demonstrations, agronomy and farm demonstrations, with the cooperation of State, county, and Federal departments, and agencies which seek to promote such social welfare and agricultural development work.

ARTICLE IX — LOANS

The tribal council shall act upon all applications for loans under a revolving fund or reimbursable regulations for the purchase of property, stock, or equipment, or loans to Indians, for the payment of tuition for higher education or trade schools, out of the allotment to the Cheyenne River Reservation as provided in the act of June 18, 1934 (48 State. 984), for such purposes.

ARTICLE X — APPLICATION FOR FUNDS

The tribal council shall act in an advisory capacity upon all applications to the superintendent for the withdrawal from the United States Treasury of trust funds, Sioux benefits, or the Cheyenne River Reservation 3% funds, or any other tribal funds, may adopt rules and regulations not in conflict with law, subject to the approval of the superintendent governing withdrawal of individual Indian money.

ARTICLE XI — TRIBAL CLAIMS

The council shall make a thorough survey, research, investigation, and study of the history and title of all lands which are now tribal in character or that have been tribal in character in times past and shall endeavor to reestablish the tribal equity, if any, in such lands so as to obtain through proper channels just compensation for such lands, which it shall find to have been unlawfully removed from the present jurisdiction of the tribe and without just compensation.

ARTICLE XII — GUARDIANSHIP

The council shall pass all necessary ordinances whereby the rights of minors and incompetents shall be properly safeguarded, and shall see that the administration of such funds and other assets shall be for the exclusive benefit of such minors or incompetents. It shall be the duty of the council to make semi-annual reports concerning all such guardianship funds or assets, and that such reports be matters of public record, with the exception of the trust funds and individual Indian money, upon the approval of the Secretary of the Interior, which is deposited and supervised by the superintendent.

ARTICLE XIII — NATIONAL SIOUX COUNCIL

The tribal council shall have the further power to select delegates to sit in national councils of the entire Sioux Nation. Said national council of the Sioux Nation shall be formed by the meeting of said delegates whenever five (5) of the following Sioux Tribes shall adopt a constitution containing a provision similar to this: Standing Rock, Cheyenne River, Lower Brule, Crow Creek, Pine Ridge, Rosebud, Santee, Fort Peck.

ARTICLE XIV — ADOPTION

This constitution and by-laws, when ratified by a majority vote of the qualified voters of the Sioux Tribe of the Cheyenne River Reservation voting at an election called for the purpose by the Secretary of the Interior, provided that at least 30 per cent of those entitled to vote shall vote in such election, shall be submitted to the Secretary of the Interior, and, if approved, shall be effective from the date of approval.

***

CERTIFICATE OF ADOPTION

Pursuant to an order, approved October 29, 1935, by the Secretary of the Interior, the attached constitution and by-laws were submitted for ratification to the Cheyenne River Tribe of Sioux Indians and were on December 7, 1935, duly ratified by a vote of 576 for, and 366 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) as amended by the act of June 15, 1935 (Public, No. 147, 74th Cong.).

HARRY F. C. WOODS,
Chairman of Election Board.

LUKE GILBERT,
Chairman of Cheyenne River Sioux
Tribal Council

JAMES E. HIWAWK,
Tribal Secretary.

WALTER F. DICKENS,
Superintendent.

I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached constitution and by-laws of the Cheyenne River Tribe of Sioux Indians.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said constitution or by-laws are hereby declared inapplicable to the Cheyenne River Tribe of Sioux Indians.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said constitution and by-laws.

Approval recommended December 23, 1935.

JOHN COLLIER,
Commissioner of Indian Affairs.

HAROLD L. ICKES,
Secretary of the Interior.
[Seal]

Washington, D. C., December 27, 1935.

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The Cheyenner River Sioux Tribe has never adopted a Charter.

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CONSTITUTION AND BY-LAWS OF THE CROW CREEK SIOUX TRIBE OF FORT THOMPSON, SOUTH DAKOTA

Approved April 26, 1949

Amended June 22, 1961
and February 25, 1963

PREAMBLE

We, the Crow Creek Sioux Tribe of the Crow Creek Reservation, grateful to Almighty God for our freedom, in order to secure its blessings, to establish a more perfect tribal organization, to develop better school facilities, to conserve and develop our common resources, to establish a credit system, and to promote the welfare of ourselves and our descendants, hereby ordain and establish this Constitution.

ARTICLE I - TERRITORY

The jurisdiction of the Crow Creek Sioux Tribe shall extend to the territory within the original confines of the diminished reservation boundaries, which are described by the Act of March 2, 1889 (25 Stat. L. 888), and including trust allotments without the herein mentioned boundaries and such other lands as may be hereafter added thereto under any law of the United States, except as otherwise provided by law.

ARTICLE II - MEMBERSHIP

SECTION 1. All persons of Indian blood whose names appear on the official census roll of the Crow Creek Reservation as on July 1, 1948, shall be members of the Tribe, Provided, that the Tribal Council shall have power to revise said roll, with the approval of the Secretary of the Interior or his authorized representative, at any time within five years from the date of the approval of this Constitution.

SEC. 2. (a) Any child, of one-fourth (¼) or more Indian blood born to any member of the Tribe who at the birth of such child resided on the reservation shall be entitled to membership.

(b) Any child of one-half (½) or more Indian blood born to any member shall be entitled to membership regardless of his parents' residence.

(a) Any person of Indian blood who is a descendant of any member may be admitted to membership by a majority vote of the Tribal Council. [This subparagraph repealed effective June 22, 1961.]

(d) Applications for membership shall be submitted by the applicant or his parent or guardian to a Committee on Membership, which shall pass upon them and present them to the Tribal Council for final action.

SEC. 3. Vested property rights shall not be acquired or lost through membership in this organization except as provided herein.

ARTICLE III - THE GOVERNING BODY

SECTION 1. The governing body of the Crow Creek Sioux Tribe shall be the Tribal

Council.

SEC. 2. The Tribal Council shall be composed of six members elected from the three districts of the Reservation as provided in Section. 3. Meetings of the Tribal Council shall be held as provided in the By-Laws.

SEC. 3. Crow Creek Reservation shall be divided into three districts and two members of the Crow Creek Tribal Council shall be elected from each of these districts. One member from each district shall be of one-half or more Indian blood. The three districts of the Reservation are designated as follows:

BIG BEND:

This district shall consist of all that part of the reservation lying west of the Hyde-Hughes County Line.

FORT THOMPSON:

Starting at the Northwest corner of T. 109 N., R. 73 W., thence south approximately 4 miles to the Missouri River, thence along the east bank of the Missouri River southward to the point where the east bank of the Missouri River intersects the section line common to Sections 15 and 16, T. 106 N., R. 71 W., (which for reference purposes will be called the one quarter corner between Sections 15 and 16, T. 106 N., R. 71 W.), thence due north from said one quarter corner along the section line to State Highway No. 34, which point of intersection would be the N. E. corner of Section 16, T. 107 N., R. 71 W., thence east along Highway No. 34 to the southwest corner of Section 9, T. 107 N., R. 70 W., thence north and west, following the reservation boundary to point of beginning.

CROW CREEK:

This district shall consist of the remainder of the Reservation.

SEC. 4. The Tribal Council shall elect from within its own number a Chairman, Vice-chairman, Treasurer, Sergeant-at-arms, and from within or outside of its own number a Secretary and such other officers and committees as may be necessary.

At the first election the candidate from each district receiving the highest number of votes shall be certified for the two-year term. The candidate receiving the next highest number of votes shall be certified for the one-year term unless both candidates are of less than one-half Indian blood in which case the candidate of one half or more Indian blood receiving the highest number of votes shall be certified for the one-year term. Thereafter, one member from each district shall be elected each year.

After the first election no member of less than one-half Indian blood shall be permitted to file as a candidate unless the Council member whose term does not expire is of one-half or more Indian blood.

ARTICLE IV - NOMINATIONS AND ELECTION

SECTION 1. The first election of a Tribal Council of six members under this Constitution shall be called and supervised by the Tribal Council as now constituted, within 30 days after the ratification of this Constitution and By-laws, and thereafter election of three Councilmen shall be held every year on the third Thursday in April.

SEC. 2. The term of office of each member of the Tribal Council shall be two years, except at the first election one member from each district shall be elected as provided in Article III, Section 4.

SEC. 3. The Tribal Council shall determine rules and regulations governing all elections following the State of South Dakota procedure as far as practicable.

SEC. 4. A member of the tribe wishing to be a candidate for the Tribal Council shall file his name in writing with the Secretary of the Tribal Council at least twenty days prior to the third Thursday in April. Names of all candidates filed must be posted in the respective districts at least fifteen days prior to the third Thursday in April. Elections shall be held on the third Thursday in April in a central place designated in each district by the Tribal Council. Voting shall be by secret ballot. Qualifications of candidates shall be those prescribed in Article III, Section 4 and in the By-laws.

SEC. 5. Any resident member of the tribe eighteen years of age at the time of election shall be eligible to vote.

ARTICLE V - VACANCIES AND REMOVAL

SECTION 1. If a Councilman or official shall die, resign, permanently leave the reservation, absent himself without just cause from at least three consecutive meetings, or be removed from office, the Council shall declare the position vacant and appoint a successor to fill the unexpired term, provided that the person chosen to fill such vacancy shall be qualified.

SEC. 2. A vacancy in any elective office may be filled for the unexpired term at any regular meeting of the Tribal Council. The Tribal Council shall investigate complaints of misconduct in office of members of the Tribal Council or of any of its employees. The Tribal Council shall have power through resolution, after giving the accused a hearing, to remove him from office by the affirmative vote of four members and proceed to appoint a successor. The member appointed to fill a vacancy shall be a resident of the district in which the vacancy exists and shall be of the degree of Indian blood necessary to maintain representation as provided in Article III, Section 4 of this Constitution.

ARTICLE VI - POWERS AND DUTIES OF THE TRIBAL COUNCIL

SECTION 1. The Council of the Crow Creek Reservation shall exercise the following powers, subject to any limitations imposed by the statutes or the Constitution of the United States, and subject further to all express restrictions upon such powers contained in this Constitution and the attached by-laws.

(a) To accept in the name of the tribe gratuities and subsidies and to negotiate and receive loans for economic purposes from the United States or other lending agencies for the benefit of the tribe, individual members of the tribe, or associations or groups of members of the tribe.

(b) To offer tribal income and other tribal property, except land, as security for loans obtained by the tribe from the Government or from other lending agencies. [See amendment effective February 25, 1963.]

(c) To make loans or grants of money, cattle, or other property to individual members or associations of members of the tribe under regulations and rules approved by it not inconsistent with law or regulations, and agreements under which the funds, cattle, or property are obtained.

(d) To negotiate with Federal, State, and local governments on behalf of the tribe and to advise and consult with representatives of the Interior Department on all activities of the Department that may affect the Crow Creek Sioux Tribe.

(e) To approve or veto any disposition, lease, or encumberances on tribal lands or other tribal assets which may be authorized or executed by the Secretary of the Interior, the Commissioner of Indian Affairs, or any other officials or agencies of the Government.

(f) To adopt resolutions and ordinances subject to the approval of the Commissioner of Indian Affairs governing the management of all economic affairs and enterprises of the tribe, including tribal lands, tribal timber, tribal livestock enterprises, tribal community store, or any other tribal activity.

(g) To appropriate any available applicable tribal funds.

(h) To enact resolutions or ordinances not inconsistent with Article II of this Constitution governing adoption and abandonment of membership.

(i) To promulgate and enforce ordinances which shall be subject to the approval of the Commissioner of Indian Affairs governing the conduct of members of the Crow Creek Sioux Tribe, and providing for the establishment of a reservation court in defining its duties and powers.

(j) To employ legal counsel for the protection and advancement of the rights of the Crow Creek Tribe and its members, under contracts subject to the approval of the Commissioner of Indian Affairs.

(k) To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Crow Creek Reservation prior to the submission of such estimates to the Bureau of the Budget and to Congress.

(l) To make assignments of reservation land to members of the Crow Creek Sioux Tribe.

(m) To levy taxes upon members of the Crow Creek Tribe and to require the performance of community labor in lieu thereof, and to levy taxes or license fees, subject to the approval of the Commissioner of Indian Affairs upon non-members doing business within the Reservation.

(n) To exclude from the restricted lands of the Crow Creek Reservation persons not legally entitled to reside therein, under ordinances which shall be subject to the approval of the Commissioner of Indian Affairs.

(o) To purchase, under condemnation proceedings in courts of competent jurisdiction, land or other property needed for public purposes, subject to the approval of the Commissioner of Indian Affairs.

(p) To regulate the inheritance of property, real and personal other than allotted lands, within the territory of the Crow Creek Reservation, subject to the approval of the Commissioner of Indian Affairs.

(q) To regulate the domestic relations of members of the Tribe and to enforce school attendance.

(r) To provide for the appointment of guardians for minors and mental incompetents by ordinance or resolution, subject to the approval of the Commissioner of Indian Affairs.

(s) To delegate to subordinate boards or to cooperative associations which are open to all members of the Tribe any of the foregoing powers reserving the right to review any action taken by virtue of such delegated power.

(t) To convene general council meetings for the purpose of securing advice on matters of importance affecting the Tribe.

SEC. 2. Future Powers. —The Council of the Crow Creek Tribe may exercise such further powers as may in the future be delegated to the Council by any duly authorized official or agency of government.

SEC. 3. Reserved Powers. —Any rights and powers heretofore vested in the Tribe of the Crow Creek Reservation, but not expressly referred to in this Constitution shall not be abridged by this article, but may be exercised by the people of the Crow Creek Reservation through the adoption of appropriate by-laws and constitutional amendments.

ARTICLE VII — BILL OF RIGHTS

SECTION 1. Suffrage. —All members of the Tribe over the age of eighteen (18) shall have the right to vote in all reservation elections. The residence qualifications established by Article IV, Section 5 of this Constitution shall apply to all elections.

SEC. 2. Economic Rights. —All members of the Tribe shall be accorded equal opportunities to participate in the economic resources and activities of the reservation.

SEC. 3. Civil Liberties. —All members of the Tribe may enjoy without hinderance freedom of worship, conscience, speech, press, assembly, and association.

SEC. 4. Rights of Accused. —Any member of the Crow Creek Tribe accused of any offense shall have the right to a prompt, open, and public hearing with due notice of the offense charged, and shall be permitted to summon witnesses on his own behalf. Trial by jury may be demanded by any prisoner accused of any offense punishable by more than thirty (30) days imprisonment. Excessive bail shall not be required and cruel punishment shall not be imposed.

ARTICLE VIII — REFERENDUM

Upon a petition of at least one-half (½) of the eligible resident voters of the Crow Creek Tribe or upon the request of a majority of the Tribal Council, any enacted or proposed ordinance or resolution of the Tribal Council shall be submitted to popular referendum and the vote of a majority of the resident qualified voters in such referendum shall be conclusive and binding on the Council.

ARTICLE IX — LAND

SECTION 1. Allotted Lands. —Allotted lands, including heirship lands, within the

Crow Creek Reservation shall continue to be held as heretofore by their present owners. It is recognized that under existing law such lands may be condemned for public purposes, such as roads, public buildings, or other public improvements, upon payment of adequate compensation, by any agency of the State of South Dakota or of the Federal Government, or by the Tribe itself. It is further recognized that under existing law such lands may be inherited by the heirs of the present owner, whether or not they are members of the Crow Creek Sioux Tribe. Likewise it is recognized that under existing law the Commissioner of Indian Affairs, may, in his discretion, remove restrictions upon such land, upon application by the Indian owner, whereupon the land will become subject to State tax, and may then be mortgaged or sold. The right of the individual Indian to hold or to part with his land, as under existing law, shall not be abrogated by anything contained in this Constitution, but the owner of restricted land, may with the approval of the Commissioner of Indian Affairs, voluntarily convey his land to the Crow Creek Sioux Tribe either in exchange for a money payment or in exchange for an assignment covering the same land or other land. In selling allotted or heirship land, owners are urged to give preference to buyers in the following order: first, the Tribe; second, a married Indian couple; third, a single Indian; fourth, an Indian married to a non-Indian; fifth, a non-Indian.

SEC. 2. Tribal Lands. —The unallotted lands of the Crow Creek Reservation, and all lands which may hereafter be acquired by the Crow Creek Sioux Tribe or by the United States in trust for the Crow Creek Tribe shall be held as tribal lands, and no part of such land shall be mortgaged or sold. Tribal lands shall not be allotted to individual Indians but may be assigned to members of the Crow Creek Sioux Tribe, or leased, or otherwise used by the Tribe. [See amendment effective February 25, 1963.]

SEC. 3. Leasing of Tribal Lands. —Tribal lands may be leased by the Tribal Council, with the approval of the Superintendent for such periods of time as are permitted by law.

In the leasing of tribal lands preference shall be given, first, to Indian cooperative associations and, secondly, to married Indian couples who are members of the Crow Creek Sioux Tribe; third, to a single Indian of the Tribe; fourth, to an enrolled Indian married to a non-Indian; fifth, to non-Indians. No lease of tribal land to a non-member shall be made by the Tribal Council unless it shall appear that no Indian cooperative association or individual member of the Tribe is able and willing to use the land and to pay a reasonable fee for such use.

Grazing permits covering tribal land may be issued by the Tribal Council with the approval of the Commissioner of Indian Affairs. In the same manner and upon the same terms as leases.

SEC. 4. Use of Unassigned Tribal Land. —Tribal land which is not assigned, including tribal timber reserves, shall be managed by the Tribal Council in accordance with Article VI, section 1 (f) for the benefit of the members of the entire tribe, and any cash income derived from such land shall accrue to the benefit of the tribe as a whole.

SEC. 5. [See amendment of this Section 5 effective June 22, 1961.] Purchase of Land by the Tribe. —Available tribal funds may be used to acquire land under the following conditions:

(a) Land within the Crow Creek Reservation which is not now in Indian ownership may be purchased by or for the Crow Creek Tribe.

(b) Restricted land which is in heirship status at the time of the adoption and approval of this Constitution, may be purchased by or for the Tribe, with the consent of a majority of the adult heirs and the legal guardians of minor heirs, payment therefor to be made as may be agreed upon.

(c) Land in excess of one hundred and sixty (160) acres owned by any member of the Tribe may be purchased by the Tribe, with the consent of the owner, payments to be made under such terms as may be agreed upon.

(d) Land owned by any member of the Tribe who has left the reservation permanently or who desires to leave the reservation permanently may be purchased by the Tribe, under such terms as may be agreed upon.

ARTICLE X — AMENDMENTS

Amendments to this Constitution and By-laws may be ratified and approved in the same manner as this Constitution and By-laws. Whenever the Tribal Council by a vote of two-thirds of its members shall consider an amendment necessary, such amendment shall be sent to the Commissioner of Indian Affairs. It shall then be the duty of the Commissioner of Indian Affairs to call an election. If at such election the amendment is adopted by a majority vote of the adult resident members of the Tribe voting thereon in an election in which at least thirty per cent of those entitled to vote shall vote, such amendment shall be submitted to the Commissioner of Indian Affairs and if approved by him shall thereupon become effective.

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BY-LAWS OF THE CROW CREEK SIOUX TRIBE

SECTION 1. Chairman of the Tribal Council. —The Chairman of the Tribal Council shall preside over all meetings of the Tribal Council and the General Council, and shall perform all duties of the Chairman, and exercise any authority delegated to him by the Tribal Council. He shall vote only in case of a tie.

SEC. 2. Vice-Chairman of the Tribal Council. —The Vice-Chairman of the Tribal Council shall assist the Chairman when called upon to do so, and in the absence of the chairman, shall preside. When so presiding, he shall have all the rights, privileges, and duties, as well as the responsibilities, of the Chairman.

SEC. 3. Secretary of the Tribal Council. —The Secretary of the Tribal Council shall conduct all tribal correspondence and shall keep an accurate record of all matters transacted at meetings of the Tribal Council and the General Council. It shall be his duty to submit promptly to the Superintendent of the Crow Creek Reservation and the Commissioner of Indian Affairs copies of all minutes of regular and special meetings of the Tribal Council and the General Council. When elected from without the membership of the Tribal Council, he shall not be entitled to vote.

SEC. 4. Treasurer of the Tribal Council. —The Treasurer of the Tribal Council shall accept, receive, receipt for, preserve, and safe-guard all funds in the custody of the Tribal Council, whether same be Tribal Funds or Special Funds, for which the Tribal Council is acting as trustee or custodian. He shall deposit all funds in such bank or elsewhere as directed by the Tribal Council, and shall make and preserve a faithful record of such funds, and shall report on all receipts and expenditures, and the amount and nature of all funds in his possession or custody, such report being made in writing to the Council at the regular meetings and at such other times as requested by the Council.

It is provided further that the Superintendent may act, under proper resolution of the Tribal Council, as agent for the Tribe in collecting funds due to the Tribe. Upon making such collections, the Superintendent should issue a receipt on the regular office receipt form on behalf of the Tribe. Before paying out any money, the Superintendent should have an order for payment directed to him by the Tribal Treasurer and the Treasurer's order shall be supported by a resolution of the Council empowering him to approve bills for payment.

The Treasurer shall not pay out or otherwise disburse any funds in his possession or custody or in possession or custody of the Tribal Council except when authorized to do so by resolution duly passed by the Tribal Council.

When in the opinion of the Tribal Council or the Commissioner of Indian Affairs, there are sufficient funds in the custody of the Tribal Council to warrant it, the Treasurer shall be required to give a bond satisfactory to the Tribal Council and the Commissioner of Indian Affairs.

The books and records of the Treasurer shall be audited at least once a year by a competent auditor employed by the Tribal Council or by a Federal employee approved by the Commissioner of Indian Affairs and at such other times as the Tribal Council or the Commissioner of Indian Affairs shall direct.

All tribal financial records shall be considered public records and shall be open for inspection to any member of the Tribe at any reasonable time.

SEC. 5. Sergeant-at-Arms. —There shall be a Sergeant-at-Arms, appointed by the Chairman, whose duty it shall be to maintain order within the Council Chamber and perform such other duties as may be designated by the Tribal Council. He shall serve all summons emanating from the Tribal Council, and shall make proper return on the same.

SEC. 6. Appointive Officers. —The duties of all appointive boards or officers of the community shall be clearly defined by resolutions of the Tribal Council at the time of their creation or appointment. Such boards and officers shall report, from time to time as required, to the Tribal Council and their activities and decisions shall be subject to review by the respective Council upon the petition of any person aggrieved.

ARTICLE II — DUTIES OF MEMBERS

It shall be the duty of each member of the Tribal Council to make reports to the districts from which he was elected, concerning the proceedings of the Tribal Council.

ARTICLE III — QUALIFICATIONS OF COUNCILMEN

In addition to the qualifications prescribed in Article III, Section 4, no person shall be a candidate for membership in the Tribal Council unless he shall be an enrolled member of the Crow Creek Sioux Tribe, residing on the reservation, in the district of his candidacy, and be of voting age.

No person shall be eligible for membership in the Tribal Council who has ever been convicted of a felony, or misdemeanor within the year preceding the election. [See amendment of this paragraph effective June 22, 1961.]

No person shall be a candidate who is a regular Civil Service employee of the Federal Government.

ARTICLE IV — CERTIFICATION OF ELECTION

It shall be the duty of the members of the Tribal Council or board appointed by them to certify to the election of the duly elected Tribal Council members. This certification shall take place at the time of the election.

ARTICLE V — INSTALLATION OF COUNCILMEN

Newly elected members who have been duly certified shall be installed at the first regular meeting of the Council following the election, upon subscribing to the following oath: "I, ----------, do hereby solemnly swear (or affirm) that I shall preserve, support, and protect the Constitution of the United States and the Constitution and By-laws of the Crow Creek Sioux Tribe, and execute my duties as Councilman to the best of my ability, so help me God."

ARTICLE VI — SALARIES

The Tribal Council may prescribe such salaries of officers, boards or members of the Tribal Council as it deems advisable, from such funds as may be available and applicable.

ARTICLE VII — TIME AND PLACE OF MEETINGS

SECTION 1. The regular meetings of the Tribal Council of six members shall be held once each month at Fort Thompson. The day of the month and the opening hour of the meeting shall be left to the discretion of the Tribal Council. A quorum of the Tribal Council shall consist of four members.

SEC. 2. Meetings of the General Council shall be called by the Chairman of the Tribal Council or upon written request of five members of the Tribal Council or upon a petition signed by at least ten per cent of the eligible resident voters of the Tribe. Notice of such meetings shall be posted in at least six places at least 10 days before such meeting is to take place. The Chairman of the Tribal Council shall cause such notices to be posted. Twenty percent of the eligible voters of the Tribe shall constitute a quorum.

SEC. 3. Order of Business. —The following order of business is established for all the meetings and should be followed as far as practicable.

(1) Call to order by the Chairman.
(2) Invocation by Chaplain or whoever may be designated by the Chairman.
(3) Roll Call
(4) Ascertainment of quorum
(5) Reading of minutes of the last meeting
(6) Adoption of the minutes by vote or common consent
(7) Report of committees
(8) Unfinished business
(9) New business
(10) Adjournment

SEC. 4. Ordinances and Resolutions. —All final decisions of the Tribal Council on matters of general and permanent interest to the members of the Tribe shall be embodied in ordinances. Such ordinances shall be collected and published from time to time for the information and education of the members of the Tribe.

All final decisions of the Tribal Council on matters of temporary interest (such as, action on the reservation budget for a single year, or petitions to Congress or to the Secretary of the Interior) or relating especially to particular individuals or officials (such as adoption of members, instructions for tribal employees or rules of order for the Council) shall be embodied in resolutions. Such resolutions shall be recorded and filed in such a manner that will facilitate their use for public inspection.

All questions of procedure (such as acceptance of committee reports or invitations to outsiders to speak) shall be decided by motion duly passed or by the ruling of the Chairman, if no objection is heard.

In all ordinances, resolutions, or motions the duly elected councilmen may enact by a majority vote, but all matters of importance shall be fully discussed and a reasonable attempt shall be made to secure unanimous agreement.

SEC. 5. Legislative Forms. —Every ordinance shall begin with the words: "Be it enacted by the Tribal Council of the Crow Creek Sioux Tribe ---------------".

Every ordinance or resolution shall contain a recital of the laws of the UNITED STATES and the provisions of the Crow Creek Sioux Tribal Constitution under which authority for the said ordinance or resolution is found.

ARTICLE IX — ADOPTION

This Constitution and By-laws attached hereto shall be in full force and effect whenever a majority of the eligible resident voters of the Crow Creek Sioux Tribe, voting at an election, called by the Commissioner of Indian Affairs, in which at least thirty percent (30%) of the eligible resident voters shall vote, by secret ballot at the designated precincts, shall have ratified this Constitution and By-laws, and shall be submitted to the Commissioner of Indian Affairs for his approval, and shall be effective from the date of such approval.

CERTIFICATE OF ADOPTION

Pursuant to an order approved December 8, 1948, by the Commissioner of Indian Affairs, the attached Constitution and By-laws of the Crow Creek Sioux Tribe of the Crow Creek Reservation, Fort Thompson, South Dakota, was submitted for ratification to the Indians of the Crow Creek Reservation and was on March 11, 1949, duly adopted by a vote of 168 for, and 76 against, in an election in which over thirty per cent of those entitled to vote cast their ballots.

Vernon L. Ashley, Chairman
Crow Creek Sioux Tribal Council

Robert Philbrick, Secretary
Crow Creek Sioux Tribal Council

Frell M. Owl
Superintendent, Crow Creek Agency

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Tribal Relations
20754-48
6310-49

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON, D. C.

April 26, 1949.

Mr. Frell M. Owl,
Supt., Crow Creek Agency

Dear Mr. Owl:

In accordance with Office letter of December 8, 1948, the Crow Creek Sioux Tribe of South Dakota held an election on March 11, 1949, on the matter of the adoption or rejection of a proposed Constitution and By-laws. The certification indicates that in this election more than a majority of those voting cast votes in favor of the Constitution and at least 30 per cent of the eligible voters of the tribe participated in the election. It is apparent, however, that the document was duly ratified by the qualified voters of the Tribe.

As required in Article IX of the By-laws, I am hereby approving the Constitution and By-laws of the Crow Creek Sioux Tribe of Fort Thompson, South Dakota, whereupon it becomes effective as the official document of the Tribe. I am returning the original to you for safe-keeping. Great care should be exercised in protecting the original document.

Sincerely yours,

William Zimmerman, Jr.
Assistant Commissioner

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AMENDMENTS

1. Amendment No. 1 - Effective June 22, 1961.

   Article II, Section 2 (c) of the Constitution - repealed.

2. Amendment No. 2 - Effective June 22, 1961.

   Article IX, Section 5 of the Constitution - amended by repealing it and substituting a new section reading as follows:

   Section 5. Purchase of Land by the Tribe. The Tribal Council shall have the power as authorized by law, subject to approval by the Secretary of the Interior or his authorized representative, to purchase or otherwise acquire lands or interests in lands, within or without the Reservation.

3. Amendment No. 3 - Effective June 22, 1961.

   Article III of the By-laws - amended by repealing it and substituting the following:

   Article III - Qualifications of Councilmen

No person shall be eligible for membership on the Tribal Council who has satisfied the judgment of conviction for a felony in any federal, state or tribal court of competent jurisdiction within two (2) years precedirg the date of election.

CERTIFICATION OF ADOPTION

Pursuant to an election held on April 20, 1961, by the Crow Creek Sioux Tribe, amendments to the Constitution and By-laws as shown below were submitted for ratification to the Indians of the Crow Creek Reservation and was on April 20, 1961, duly passed as is tabulated below in an election in which over thirty per cent (30%) of those entitled to vote cast their ballots:

AMENDMENT NO. 1 - Repeal Article II, Section 2 (c) as follows:

(c) Any person of Indian blood who is a descendant of any member may be admitted by a majority vote of the Tribal Council.

	Yes	No
Crow Creek District	40	18
Fort Thompson District	84	45
Big Bend District	10	9
PASSED	134	72

AMENDMENT NO. 2 - Amend Article IX, Section 5 of the Constitution entitled "Purchase of Land by the Tribe" by Repealing it, and substituting a new section reading as follows:

Section 5. Purchase of Land by the Tribe.

The Tribal Council shall have the power as authorized by law, subject to approval by the Secretary of the Interior or his authorized representative, to purchase or otherwise acquire lands or interests in lands, within or without the reservation.

	Yes	No
Crow Creek District	47	9
Fort Thompson District	92	36
Big Bend District	13	5
PASSED	161	42

AMENDMENT NO. 3 - Amend the second full paragraph of Article III of the By-laws by repealing it and substitute the following:

"No person shall be eligible for membership on the Tribal Council who has satisfied the judgment of conviction for a felony in any federal, state or tribal court of competent jurisdiction within two (2) years preceding the date of elections."

	Yes	No
Crow Creek District	34	24
Fort Thompson District	92	36
Big Bend District	13	3
PASSED	139	63

Total eligible voters: 367

Robert Philbrick, Chairman
Crow Creek Sioux Tribal Council

Abel Bad Moccasin, Secretary
Crow Creek Sioux Tribal Council

Owen D. Morken, Superintendent
Pierre Agency, Pierre, South Dakota

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UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
WASHINGTON 25, D. C.

Tribal Programs
5325-61

June 22, 1961
Through: Area Director,
Aberdeen

Mr. Owen D. Morken
Superintendent, Pierre Agency

Dear Mr. Morken:

In an order issued by the Acting Commissioner of Indian Affairs on March 22,1961, you were authorized to permit the qualified voters of the Crow Creek Sioux Reservation in South Dakota to express themselves on the adoption or rejection of certain amendments to the tribal constitution and by-laws. These amendments were presented to the tribal voters in an election held on April 20, 1961.

The Aberdeen Area Director, in his letter dated April 28, advised that over 30% of the eligible voters participated in the election, and that the amendments were adopted as follows:

Amendment No. 1	134 for	72 against
Amendment No. 2	161 for	42 against
Amendment No. 3	139 for	63 against

Since the Crow Creek tribal members have complied with Article X of the tribe's constitution, the amendments to the tribal constitution and by-laws are approved as of this date.

Sincerely yours,

John O. Crow
Acting Commissioner

Enclosure
Transmitted June 26, 1961

Robert F. Bennett
Assistant Area Director

***

4. Amendment No. I - Effective February 25, 1963.

Article IX, Section 2 of the Constitution - amended to read as follows:

SEC. 2. Tribal Lands - The unallotted lands of the Crow Creek Reservation, and all lands which may hereafter be acquired by the Crow Creek Sioux Tribe or by the United States in trust for the Crow Creek Tribe shall be held as tribal lands, and no part of such land shall be mortgaged or sold except as authorized by law. Tribal lands shall not be allotted to individual Indians but may be assigned to members of the Crow Creek Sioux Tribe, or leased, or otherwise used by the Tribe.

5. Amendment No. II - Effective February 25, 1963.

Article VI, Section 1 (b) of the Constitution - amended to read as follows:

(b) To offer tribal income and other tribal property as security for loans obtained by the Tribe from the Government or from other lending agencies.

CERTIFICATION OF ADOPTION

Pursuant to an election held on January 7, 1963 by the Crow Creek Sioux Tribe, amendments to the Constitution and By-laws as shown below were submitted for ratification to the Indians of the Crow Creek Reservation and was on January 7, 1963 duly passed as is tabulated below in an election in which over thirty per cent (30%) of those entitled to vote cast their ballots:

AMENDMENT NO. 1 - Amending Article IX, Section 2 of the Constitution to read as follows:

Section 2 - The unallotted lands of the Crow Creek Reservation, and all lands which may hereafter be acquired by the Crow Creek Sioux Tribe or by the United States in trust for the Crow Creek Tribe shall be held as tribal lands, and no part of such land shall be mortgaged or sold except as authorized by law. Tribal lands shall not be allotted to individual Indians but may be assigned to members of the Crow Creek Sioux Tribe, or leased, or otherwise used by the Tribe.

	Yes	No
Crow Creek District	43	13
Fort Thompson District	59	16
Big Bend District	15	0
PASSED	117	29

AMENDMENT NO. 2 - Amending Article VI, Section 1 (b) of the Constitution to read as follows:

Section 1 (b) - To offer tribal income and other tribal property as security for loans obtained by the Tribe from the Government or from other lending agencies.

	Yes	No
Crow Creek District	36	20
Fort Thompson District	54	21
Big Bend District	14	1
PASSED	104	42

REFERENDUM NO. 1. - Whether or not an ordinance should be adopted to authorize the introduction, possession, transportation and sale of liquor on the Crow Creek Sioux Indian Reservation subject to tribal control.

	Yes	No
Crow Creek District	34	22
Fort Thompson District	37	39
Big Bend District	9	6
PASSED	80	67

Total eligible voters: 372 (Three Hundred Seventy-two)

Robert Philbrick, Chairman
Crow Creek Sioux Tribal Council

Wendell Isberg, Secretary
Crow Creek Sioux Tribal Council

Superintendent Edward Edzards
Pierre Agency, Pierre, South Dakota

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UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
Washington 25, D. C.

Tribal Operations
10196-62
582-63

Feb. 25, 1963

Through: Area Director, Aberdeen
Mr. Edward Edzards
Superintendent, Pierre Agency

Dear Mr. Edzards:

In an order issued on November 26, 1962, you were authorized to permit the qualified voters of the Crow Creek Sioux Tribe, South Dakota, to express themselves on the adoption or rejection of two amendments to the tribe's Constitution and Bylaws. These amendments were presented to the tribal voters in an election held on January 7, 1963.

The Aberdeen Area Director, in his letter of February 5, advised that over thirty (30)percent of the eligible voters participated in the election, and that the amendments were adopted as follows:

Amendment No. 1	117 for	29 against
Amendment No. 2	104 for	42 against

Since the Crow Creek tribal members have complied with Article X of the tribe's Constitution, the amendments to the tribe's Constitution and Bylaws are approved as of this date. The original and three copies of Amendments 1 and 2, bearing our approval, are returned.

Sincerely yours,

James E. Officer
Associate Commissioner

Enclosures
Noted and Transmitted: Mar. 1, 1963
Martin N. B. Holm
Area Director

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CORPORATE CHARTER OF THE LOWER BRULE

SIOUX TRIBE OF SOUTH DAKOTA

A Federal Corporation Chartered Under the Act of June 18, 1934

Ratified July 11, 1936

Whereas, the Lower Brule Sioux Tribe of the Lower Brule Reservation in South Dakota is a recognized Indian Tribe organized under a constitution and by-laws ratified by the tribe on October 5, 1935, and approved by the Secretary of the Interior on November 27, 1935, pursuant to section 16 of the Act of June 18, 1934 (48 Stat. 984),as amended by the Act of June 15, 1935, (49 Stat. 378); and

Whereas, more than one-third of the adult members of the tribe have petitioned that a charter of incorporation be granted to such tribe, subject to ratification by a vote of the adult Indians living on the reservation:

Now, therefore, I, Harold L. Ickes, Secretary of the Interior, by virtue of the authority conferred upon me by the said Act of June 18, 1934 (48 Stat. 984), do hereby issue and submit this charter of incorporation to the Lower Brule Sioux Tribe to be effective from and after such time as it may be ratified by a majority vote of the adult Indians living on the Lower Brule Reservation in an election at which at least thirty percent of those entitled to vote shall vote.

1. In order to further the economic development of the Lower Brule Sioux Tribe by conferring upon the said Tribe certain corporate rights, powers, privileges and immunities; to secure for the members of the tribe an assured economic independence; and to provide for the proper exercise by the tribe of various functions heretofore performed by the Department of the Interior, the aforesaid tribe is hereby chartered as a body politic and corporate of the United States of America, under the corporate name "The Lower Brule Sioux Tribe."

2. The Lower Brule Sioux Tribe shall, as a Federal corporation, have perpetual succession.

3. The Lower Brule Sioux Tribe shall be a membership corporation. Its members shall consist of all persons now or hereafter entitled to membership in the Tribe, as provided by its duly ratified and approved Constitution and By-laws.

4. The Tribal Council of the Tribe established in accordance with the said Constitution and By-laws of the Tribe, shall exercise all of the corporate powers hereinafter enumerated.

5. The Tribe, subject to any restrictions contained in the Constitution and laws of the United States, or in the Constitution and By-laws of the said Tribe, shall have the following corporate powers, in addition to all powers already conferred or guaranteed by the Tribal Constitution and By-laws.

   (a) To adopt, use, and alter as its pleasure a corporate seal.

   (b) To purchase, take by gift, bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, subject to the following limitations:

(1) No sale or mortgage may be made by the Tribe of any land or interests in land now or hereafter held by the Tribe, nor shall the Tribe take legal title to any land or other property which the United States holds in trust for the Tribe.

(2) No leases or permits (which terms shall not include land assignments to members of the Tribe) covering any land or interests in land now or hereafter held by the Tribe within the boundaries of the Lower Brule Reservation shall be made by the Tribe for a longer term than ten years, and all such leases or permits must be approved by the Secretary of the Interior or by his duly authorized representatives; but mineral leases or any lease requiring substantial improvements of the land may be made for longer periods when authorized by law.

(3) No action shall be taken by or in behalf of the Tribe which conflicts with regulations authorized by section 6 of the Act of June 18, 1934, or in any way operates to destroy or injure the tribal grazing lands, timber, or other natural resources of the Lower Brule Reservation.

(c) To issue interests in corporate property in exchange for restricted Indian lands, the forms for such interests to be approved by the Secretary of the Interior.

(d) To borrow money from the Indian Credit Fund in accordance with the terms of section 10 of the Act of June 18, 1934 (48 Stat. 984), or from any other Governmental agency, or from any member or association of members of the tribe, and to use such funds directly for productive tribal enterprises, or to loan money thus borrowed to individual members or associations of members of the Tribe, provided that the amount of indebtedness to which the Tribe may subject itself aside from loans from the Indian Credit Funds, shall not exceed forty thousand dollars, except with the express approval of the Secretary of the Interior.

(e) To engage in any business that will further the economic well-being of the members of the Tribe or to undertake any activity of any nature whatever, not inconsistent with law or with any provisions of this charter.

(f) To make and perform contracts and agreements of every description, not inconsistent with law or with any provisions of this charter, with any person, partnership, association, or corporation, with any municipality or any county, or with the United States or the State of South Dakota, including agreements with the State of South Dakota for the rendition of public services; provided that any contract involving payment of money by the corporation in excess of $2,000 in any one fiscal year other than a contract for the use of the revolving loan fund established under section 10 of the Act of June 18, 1934 (48 Stat. 984) shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(g) To pledge or assign chattels or future tribal income due or to become due to the Tribe under any notes, leases, or other contracts, whether or not such notes, leases or contracts are in existence at the time, or from any other source, provided that such agreements of pledge or assignment except to the Federal Government shall not extend more than ten years from the date of execution and shall not cover more than one-half of the net tribal income in any one year, and provided further than any such agreement shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(h) To deposit corporate funds, from whatever source derived, in any national or State bank to the extent that such funds are insured by the Federal Deposit Insurance Corporation, or secured by a surety bond, or other security, approved by the Secretary of the Interior; or to deposit such funds in the Postal Savings Bank or with a bonded disbursing officer of the United States to the credit of the Tribe.

(i) To appropriate corporate funds as may be required by the Tribal Council in carrying out its duties and exercising its powers under this charter and the Tribal Constitution and By-laws; and review by the Secretary of the Interior of any such appropriations shall not be necessary except as may be required by the terms of this charter or where an appropriation made before July 1, 1940, is in excess of $2000, anything to the contrary in section 1 (g) in Article VI of the Tribal Constitution notwithstanding.

(j) To sue and to be sued in courts of competent jurisdiction within the United States; but the grant or exercise of such power to sue and to be sued shall not be deemed a consent by the said Tribe or by the United States to the levy of any judgment, lien or attachment upon the property of the Tribe other than income or chattels specially pledged or assigned; nor shall the grant or exercise of such power be deemed or construed to be a consent to be sued in respect of any land within the exterior boundaries of the Lower Brule Reservation, or a consent to the alienation, attachment, or encumbrance of any such land.

6. At any time after ten years from the effective date of this charter, upon the request of the Tribal Council of the Tribe for the termination of any supervisory power reserved to the Secretary of the Interior under Sections 5 (b) (2), 5 (c), 5 (d), 5 (g), 5 (h), and section 8 of this Charter, the Secretary of the Interior, if he shall approve such request, shall thereupon submit the question of such termination to the Tribe for referendum. The termination shall be effective upon ratification by a majority vote as an election in which at least thirty percent of the adult members of the Tribe residing on the reservation shall vote. If at any time after ten years from the effective date of this charter, such request shall be made and the Secretary of the Interior shall disapprove it or fail to approve or disapprove it within ninety days after its receipt, the question of the termination of any such power may then be submitted by the Secretary of the Interior or by the Tribal Council to popular referendum of the adult members of the Tribe actually living within the reservation and if the termination is approved by two-thirds of the eligible voters, shall be effective.

7. No property rights of the Lower Brule Sioux Tribe, as heretofore constituted, shall be in any way impaired by anything contained in this character, and the tribal

ownership of unallotted lands, whether or not assigned to the use of any particular individuals, is hereby expressly recognized. The individually owned property of members of the Tribe shall not be subject to any corporate debts or liabilities, without such owners' consent.

8. The Tribe may issue to each of its members, a non-transferable certificate of membership evidencing the equal share of each member in the assets of the Tribe and may distribute per capita, among the recognized members of the tribe, all income or profits of corporate enterprises and activities over and above sums necessary to defray corporate obligations to members of the tribe or to other persons and over and above all sums which may be devoted to the establishment of a reserve fund, the construction of public works, the cost of public enterprises, the expenses of tribal government, the needs of charity, or other corporate purpose. Any such distribution of profits or income in any one year amounting to a distribution of more than one-half of the accrued surplus, shall not be made without the approval of the Secretary of the Interior. The financial assets of the tribe shall not be distributed among the members on a per capita or pro rata basis except as provided above or as authorized by Congress.

9. The officers of the Tribe shall maintain accurate and complete public accounts of the financial affairs of the Tribe, which shall clearly show all credits, debts, pledges, and assignments, and shall furnish an annual balance sheet and report of the financial affairs of the Tribe to the Commissioner of Indian Affairs.

10. This charter shall not be revoked or surrendered except by act of Congress, but amendments may be proposed by resolutions of the Council which if approved by the Secretary of the Interior, to be effective shall be ratified by a majority vote of the adult members living on the reservation at a popular referendum in which at least 30 percent of the eligible voters vote.

11. This charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Lower Brule Sioux Tribe living on the Lower Brule Reservation, provided at least 30 percent of the eligible voters shall vote, such ratification to be formally certified by the Superintendent of the Crow Creek Agency and the Chairman of the Lower Brule Sioux Tribal Council.

Submitted by the Secretary of the Interior for ratification by the Lower Brule Sioux Tribe in a popular referendum to be held on July 11, 1936.

HAROLD L. ICKES, [Seal]
Secretary of the Interior

Washington, D.C., June 29, 1936.

CERTIFICATION

Pursuant to Section 17 of the Act of June 18, 1934, (48 Stat. 984), this charter, issued on June 29, 1936, by the Secretary of the Interior to the Lower Brule Sioux Tribe of the Lower Brule Reservation was duly submitted for ratification to the adult Indians living on the reservation and was on July 11, 1936, duly ratified by a vote of 66 for and 39 against, in an election in which over thirty per cent of those entitled to vote cast their ballots.

REUBEN ESTES,
Chairman of Tribal Council

JAMES H. HYDE,
Superintendent, Crow Creek Agency.

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CONSTITUTION AND BY-LAWS FOR THE LOWER BRULE SIOUX TRIBE OF THE LOWER BRULE RESERVATION

Approved July 15, 1960

Preamble

We, the Lower Brule Sioux Tribe of the Lower Brule Sioux Reservation, in order to establish a more perfect tribal organization, promote the general welfare, develop better school facilities, conserve and develop our lands and resources, and secure to ourselves and our posterity the power to exercise certain rights of home rule not inconsistent with the Federal, State, and local laws, applicable to Indian tribes, do ordain and establish this constitution for the Lower Brule Sioux Tribe.

ARTICLE I - TERRITORY

SECTION 1. The jurisdiction of the Lower Brule Sioux Tribe of Indians shall extend to the territory within the original boundaries of the Lower Brule Reservation as established by the Act of March 2, 1889, and to all other lands added thereto under any law of the United States.

SECTION 2. The Lower Brule Sioux Reservation shall be divided into four districts designated as follows:

Fort Hale, which includes all that portion of the reservation lying east of the line between Ranges 72 W. & 73 W.

Iron Nation, which includes all of that portion of the reservation lying south of the line running east and west between Stanley and Lyman County and east to the 10th Guide Meridian but not including any of the territory in the Little Bend area.

Fort George, which includes all of that portion of the reservation that lies within Stanley County.

Lower Brule, which includes all of that portion of the reservation which lies within the Little Bend area and east from the 10th Guide Meridian to the line dividing Range 72 W. & Range 73 W.

The Tribal Council, however, shall have authority to change the boundaries of these four districts, to establish new districts according to future community needs, but in either case subject to the approval of the Secretary of the Interior.

ARTICLE II - MEMBERSHIP

SECTION 1. The membership of the Lower Brule Sioux Tribe shall consist as follows:

(a) All persons of Indian blood whose names appear on the official census roll of the tribe as of April 1, 1935, and, after the effective date of this amended constitution, only such other persons who are of Lower Brule Sioux Indian blood and whose names appear on the official census roll of September 2, 1958.

(b) All children born to any member of the Lower Brule Sioux Tribe who is a resident of the reservation at the time of the birth of said children but children born to any member after the effective date of this amended constitution and possessing at least one-fourth degree Lower Brule Indian blood shall be members regardless of the residence of their parents at the time of their birth.

SECTION 2. The Tribal Council shall have the power to promulgate ordinances subject to the review by the Secretary of the Interior covering future membership and the adoption of new members provided only that no person may be adopted who is not a resident of the reservation.

ARTICLE III - GOVERNING BODY

SECTION 1. The governing body of the Lower Brule Sioux Tribe shall consist of a Council, known as the Lower Brule Sioux Tribal Council, hereinafter designated as the "Tribal Council".

SECTION 2. The voters of Fort Hale, Iron Nation, and Fort George districts shall each elect from among their members one councilman to the Tribal Council; and the Lower Brule district shall elect from their members three councilmen to the Tribal Council; and the non-resident voters shall together elect one Councilman who must be a non-resident of the reservation.

SECTION 3. The Tribal Council so organized shall elect from within or outside of its own number (1) a Chairman, (2) a Vice-Chairman, (3) a Secretary-Treasurer, (4) a Sergeant-at-arms, (5) a Chaplain, and (6) such other officers and committees as may be deemed necessary, but such officials shall have no vote in the Tribal Council unless they have also been elected thereto from their districts.

SECTION 4. The members of the present Tribal Council shall hold office until the next regular election at which time all of the terms shall expire and new councilmen shall be elected in accordance with this article of this amended constitution. The elected councilmen shall serve for two years or until their successors are duly elected and installed in office. Elections for the Tribal Council shall be called by the Tribal Council at least sixty (60) days prior to the expiration of the terms of office of the members of the Tribal Council and in the event of the failure of the Tribal Council to call such election, the Secretary of the Interior or his duly authorized representative shall do so within thirty (30) days of the required election date.

ARTICLE IV - ELECTION AND NOMINATION FOR TRIBAL COUNCIL

SECTION 1. All enrolled members of the Lower Brule Sioux Tribe twenty-one (21) years of age or over shall be eligible to vote but no one may vote for a district Councilman unless he has maintained a legal residence within the reservation for a period of one year immediately prior to an election.

SECTION 2. The time and place of voting shall be designated by the Tribal Council.

SECTION 3. All elections shall be by secret ballot.

SECTION 4. Nomination of candidates for the Tribal Council under this Constitution shall be by petition signed by not less than five legal voters of the district wherein the candidate may reside. A voter may sign only one petition. Petitions for nomination shall be filed with the Secretary-Treasurer of the Tribal Council at least thirty (30) days prior to the election for which the candidate is nominated by such petition. The list of qualified candidates shall be posted by the Secretary of the Tribal Council in the respective districts not less than two (2) weeks prior to the election.

SECTION 5. All elections shall be held in accordance with the rules and regulations laid down by the Tribal Council.

ARTICLE V - VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. If a councilman or official shall die, resign, permanently leave the reservation, or shall be found guilty of a felony or misdemeanor involving dishonesty in any Indian, State, or Federal court, the Tribal Council shall declare the position vacant and shall appoint a person from the district represented to fill the unexpired term.

SECTION 2. The Tribal Council may by a five-sevenths (5/7) vote expel any member for neglect of duty or gross misconduct provided the member is given a written notice stating the charges against him and the time and place of hearing which shall be at least five days after the date of the notice, and the member has had a full hearing and a reasonable opportunity to present his defense to the charges.

SECTION 3. If a councilman moves away from the district which he represents and makes his home off the reservation or in another district on the reservation for a period longer than three months, the office may be declared vacant by the Tribal Council, who shall appoint a person from the district represented to fill the unexpired term.

ARTICLE VI - POWERS OF THE TRIBAL COUNCIL

SECTION 1. Enumerated Powers. The Tribal Council of the Lower Brule Reservation shall exercise the following powers, subject to any limitations imposed by the statutes applicable to Indian tribes or the applicable provisions of the Constitution of the United States, and subject further to all express restrictions upon such powers contained in this Constitution and the attached By-laws:

(a) To employ legal counsel for the protection and advancement of the rights of the Lower Brule Sioux Tribe and its members, the choice of the counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

(b) To negotiate with the Federal, State, and local governments, on behalf of the tribe and to advise and consult with representatives of the Interior Department on all activities of the Department that may affect the Lower Brule Sioux Reservation.

(c) To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Lower Brule Sioux Reservation prior to the submission of such estimates to the Bureau of the Budget and Congress.

(d) To appropriate for public purposes of the reservation any available funds.

(e) To safeguard and promote the peace, safety, morals, and general welfare of the Lower Brule Sioux Tribe and to regulate the conduct of trade and the use and disposition of property upon the reservation provided that any ordinance directly affecting non-members of the reservation shall be subject to review by the Secretary of the Interior.

(f) To regulate the inheritance or testamentary disposition of property, real and personal, other than allotted lands, within the territory of the Lower Brule Sioux Reservation, subject to review by the Secretary of the Interior.

(g) To provide for the appointment of guardians for minors and mental incompetents by ordinances or resolution, subject to review by the Secretary of the Interior.

(h) To adopt resolutions regulating the procedure of the Council itself and of other tribal agencies and tribal officials of the reservation.

(i) To enact resolutions or ordinances consistent with Article II of this Constitution governing future membership and the roll of the members of the Lower Brule Sioux Tribe.

(j) To promulgate and enforce ordinances, which shall be subject to review by the Secretary of the Interior, governing the conduct of members of the Lower Brule Sioux Reservation, and providing for the maintenance of law and order and the administration of justice by establishing a reservation court, and defining its duties and powers.

(k) To exclude and remove from the restricted lands of the Lower Brule Sioux Reservation persons not legally entitled to reside therein, under ordinances which shall be subject to review by the Secretary of the Interior.

(l) To levy taxes upon members of the Lower Brule Sioux Tribe and to levy taxes or license fees, subject to review by the Secretary of the Interior, upon non-members doing business within the reservation.

(m) As authorized by law, to manage, lease, permit, sell, or otherwise deal with tribal lands, interests in lands or other tribal assets; and to purchase or otherwise acquire lands or interests in lands within the reservation.

(n) To purchase or acquire, under condemnation proceedings in courts of competent jurisdiction, land, or other property needed for public purposes, subject to the approval of the Secretary of the Interior.

(o) To prevent the sale, disposition, lease or encumbrance of any tribal lands, interest in lands or other tribal assets without the consent of the Tribal Council.

(p) To manage any and all economic affairs and enterprises of the Lower Brule Sioux Tribe and to engage in any business not contrary to state or federal law applicable to Indian Tribes that will further the economic development of the tribe or its members and to use tribal funds or other tribal resources for such purposes.

(q) To delegate to subordinate boards, cooperative associations which are open to all members of the tribe, tribal officers, committees, delegates or oth er tribal groups, any of the foregoing powers reserving the right to review any action taken by virtue of such delegated power.

SECTION 2. Manner of Review. Any resolution or ordinance which by terms of this Constitution is subject to review by the Secretary of the Interior shall be presented to the Superintendent of the Reservation who shall within 10 days after its receipt by him approve or disapprove the same.

If the Superintendent shall approve any ordinance or resolution it shall thereupon become effective but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may within ninety (90) days from the date of approval, rescind the said ordinance or resolution for any cause, by notifying the Tribal Council of such decision.

If the Superintendent shall refuse to approve any resolution or ordinance submitted to him, within ten (10) days after its receipt by him he shall advise the Tribal Council of his reasons therefor. If these reasons appear to the Tribal Council insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within ninety (90) days from the date of its referral, approve or reject the same in writing, whereupon the said ordinance or resolution shall be in effect or rejected accordingly.

SECTION 3. Future Powers. The Tribal Council of the Lower Brule Sioux Reservation through appropriate amendment of this Constitution may exercise such further powers as may in the future be delegated to the Tribal Council by the Secretary of the Interior or by any other duly authorized official or agency of the government.

SECTION 4. Reserved Powers. Any rights and powers heretofore vested in the Tribe or Band of the Lower Brule Sioux Reservation but not expressed referred to in this Constitution, shall not be abridged by this article, but may be exercised by the people of the Lower Brule Sioux Reservation through the adoption of appropriate by-laws and constitutional amendments.

SECTION 5. When the approval or review by the Secretary of the Interior is require of any particular action of the Tribal Council, the Secretary where permitted by law may in writing waive this requirement for such periods as he in his sole discretion deems fit.

ARTICLE VII - BILL OF RIGHTS

SECTION 1. Suffrage. All members of the Tribe over the age of twenty-one (21) shall have the right to vote in all reservation elections. The residence qualifications established by Article IV of this Constitution shall apply to all elections except elections for the amendment of this Constitution and the attached By-laws.

SECTION 2. Economic Rights. All members of the Tribe shall be accorded equal opportunity to participate in the economic resources and activities of the reservation without prejudice.

SECTION 3. Civil Liberties. All members of the Tribe may enjoy without hinderance freedom of worship, conscience, speech, press, assembly and association.

ARTICLE VIII - REFERENDUM

Upon a petition of at least 50% of the eligible voters of the Lower Brule Sioux

Tribe as defined in Article IV, Section I or upon the request of a majority of the Tribal Council, any enacted or proposed ordinance or resolution of the Tribal Council shall be submitted to a popular referendum and the vote of a majority of the qualified voters voting in such referendum shall be conclusive and binding on the Tribal Council.

ARTICLE IX - AMENDMENTS

This Constitution and By-laws may be amended by a majority vote of the qualified voters of the Tribe voting at an election called for that purpose by the Secretary of the Interior provided that at least thirty (30) percent of those entitled to vote shall vote in such election but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment at the request of five-sevenths (5/7) of the Tribal Council, the Chairman thereof having the right to vote thereon.

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BY-LAWS OF THE LOWER BRULE SIOUX TRIBE

ARTICLE I - DUTIES OF OFFICERS

SECTION 1. Chairman of the Tribal Council. The Chairman of the Tribal Council shall preside over all meetings of the Tribal Council, shall perform all duties of a Chairman, and exercise any authority delegated to him by the Tribal Council.

SECTION 2. Vice-Chairman of the Tribal Council. The Vice-Chairman of the Tribal Council shall assist the Chairman when called upon to do so and in the absence of the Chairman shall preside. When so presiding he shall have all the rights, privileges, andduties as well as the responsibilities of the Chairman.

SECTION 3. Secretary-Treasurer of the Tribal Council. The Secretary-Treasurer of the Tribal Council shall conduct all tribal correspondence and shall keep an accurate record of all matters transacted at Tribal Council meetings. It shall be his duty to submit promptly to the Superintendent of the jurisdiction and Commissioner of Indian Affairs copies of all minutes of regular and special meetings of the Tribal Council. He shall also accept, receive, receipt for, preserve, and safeguard all funds in the custody of the Tribal Council, whether same be tribal funds or special funds for which the Tribal Council is acting as trustee or custodian. He shall deposit all funds in such bank or elsewhere as directed by the Tribal Council and shall make and preserve a faithful record of such funds and shall report on all receipts and expenditures and the amount and nature of all funds in his possession or custody, such report being made in writing to the Tribal Council at regular meetings and such other times as requested by the Tribal Council.

He shall not pay out or otherwise disburse any funds in his possession or custody, or in the possession or custody of the Tribal Council, except when properly authorized to do so by resolution duly passed by the Tribal Council.

The books and records of the Secretary-Treasurer shall be audited at least once each year by a competent auditor employed by the Tribal Council and at such times as the Tribal Council or the Commissioner of Indian Affairs may direct.

He shall be required to give a bond satisfactory to the Tribal Council and to the Commissioner of Indian Affairs.

He shall be present at all special or regular meetings of the Tribal Council.

SECTION 4. Sergeant-at-Arms. The Sergeant-at-Arms shall be present at all meetings of the Tribal Council, and shall maintain order within the Tribal Council chamber and perform such other duties as may be designated by the Tribal Council. He shall serve all summonses emanating from the Tribal Council and shall make proper return on same.

SECTION 5. Chaplain of the Tribal Council. The Chaplain of the Tribal Council shall perform such duties as the Tribal Council may direct.

SECTION 6. Appointive Officers. The duties of all appointive boards or officers of the community shall be clearly defined by resolution of the Tribal Council at the time of their creation or appointment. Such boards and officers shall report, from time to time as required, to the Tribal Council and their activities and decisions shall be subject to review by the Tribal Council upon the petition of any person aggrieved.

ARTICLE II - DUTIES OF MEMBERS

It shall be the duty of each member of the Tribal Council to make reports, to the districts from which he was elected, concerning the proceedings of the Tribal Council.

The Tribal Council shall be responsible for the care and administration of all tribal property and equipment under resolutions or ordinances adopted by the Tribal Council, such resolutions and ordinances subject to review by the Secretary of the Interior.

ARTICLE III - QUALIFICATIONS OF COUNCILMEN

No person shall be a candidate for membership in the Tribal Council unless he shall be a member of the Lower Brule Sioux Tribe, at least twenty-one (21) years of age, shall not have been convicted of a felony by any Indian, State, or Federal Court and shall not have been involved in any action involving dishonesty with money, and shall have resided for a period of one year next preceding the election in the district of his candidacy. The Tribal Council shall be the sole judge of the qualifications of its members.

ARTICLE IV - CERTIFICATION OF ELECTION

It shall be the duty of the members of the Tribal Council or board appointed by it to certify to the election of the duly elected Tribal Council members. This shall be done within five (5) days after the election.

ARTICLE V - INSTALLATION OF COUNCILMEN

Newly elected members who have been duly certified shall be installed at the first regular meeting of the Tribal Council following the election upon subscribing to the following oath.

"I, -----------, do hereby solemnly swear (or affirm) that I shall preserve, support, and protect the Constitution of the United States and the Constitution and By-laws of the Lower Brule Sioux Tribe to the best of my ability, so help me, God."

ARTICLE VI - SALARIES

The Tribal Council may prescribe such salaries of officers or members of the Tribal Council as it seems advisable from such budgeted funds as may be available.

ARTICLE VII - TIME AND PLACE OF REGULAR MEETINGS AND PROCEDURE

SECTION 1. Meetings. The regular meeting of the Tribal Council shall be held once each month at the Lower Brule Community Hall or such other place on the reservation designated by the Tribal Council. The day of the month and the opening hour of the meeting shall be left to the discretion of the Tribal Council. Special meetings may be called by the Chairman or by a majority of the Tribal Council and when so called the Tribal Council shall have the power to transact business as in regular meetings.

SECTION 2. Quorum. No business shall be transacted unless a quorum is present. A quorum shall consist of four councilmen.

SECTION 3. Order of Business. The order of business shall be determined by resolution of the Tribal Council.

SECTION 4. Ordinances and resolutions. All final decisions of the Tribal Council on matters of general and permanent interest to the members of the Tribe shall be embodied in ordinances. Such ordinances shall be collected and published from time to time for the information and education of the members of the Tribe.

All final decisions of the Tribal Council on matters of temporary interest (such as action on the reservation budget for a single year, or petitions to Congress or the Secretary of the Interior) or relating especially to particular individuals or officials (such as adoptions of members, instructions for tribal employees or rules of order for the Tribal Council) shall be embodied in resolutions. Such resolutions shall be recorded in a special book which shall be open to public inspection.

All questions of procedure (such as acceptance of committee reports or invitations to outsiders to speak) shall be decided by motion duly passed or by the ruling of the Chairman if no objection is heard.

In all instances, resolutions, or motions the duly elected councilmen may act by majority vote, but all matters of importance shall be fully discussed and a reasonable attempt shall be made to secure unanimous agreement.

ARTICLE VIII - NATIONAL SIOUX COUNCIL

SECTION 1. The Tribal Council shall have the power to select delegates to sit in the National Sioux Councils.

ARTICLE IX - ADOPTION

This amended Constitutions and By-Laws attached hereto shall be in full force and effect whenever a majority of the adult voters of the Lower Brule Sioux Tribe voting at an election called by the Secretary of the Interior in which at least thirty(30) percent of the eligible voters shall vote, shall have ratified such Constitution and By-Laws, and the Secretary of the Interior shall have approved same, as provided in

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the Act of June 18, 1934, as amended by the Act of June 15, 1935.

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CERTIFICATION OF ADOPTION

Pursuant to an order approved April 20, 1960, by the Assistant Secretary of the Interior, the attached amended Constitution and By-laws of the Lower Brule Sioux Tribe of the Lower Brule Sioux Reservation, South Dakota, was submitted for adoption to the qualified voters of the Lower Brule Tribe of the Lower Brule Reservation and was on June 14, 1960, duly adopted by a vote of 105 for, and 47 against in an election in which at least thirty percent of those entitled to vote cast their ballots, in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935, October 18, 1935, and March 24, 1938.

J. W. Thompson, Chairman,
Lower Brule Sioux Tribal Council

Joyce Estes, Secretary,
Lower Brule Sioux Tribal Council

C. H. Beitzel, Superintendent
Pierre Agency, Pierre, S. Dakota

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APPROVAL

I, Roger Ernst, Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached amended Constitution and By-laws of the Lower Brule Sioux Tribe of the Lower Brule Indian Reservation, South Dakota, as adopted by the Indians of the Lower Brule Indian Reservation on June 14, 1960.

Approval recommended:

Glen F. Emmons,
Commissioner of Indian Affairs

Roger Ernst,
Assistant Secretary of the Interior

Washington, D. C., July 15, 1960

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CONSTITUTION AND BY-LAWS OF THE OGLALA SIOUX TRIBE
OF THE PINE RIDGE RESERVATION, SOUTH DAKOTA

Approved January 15, 1936

Preamble

We, the Oglala Sioux Tribe of the Pine Ridge Indian Reservation, in order to establish a more perfect organization, promote the general welfare, conserve and develop our lands and resources, secure to ourselves and our posterity the power to exercise certain rights of home rule not inconsistent with Federal laws and our treaties, and in recognition of God Almighty and His Divine Providence, do ordain and establish this constitution for the Oglala Sioux Tribe.

ARTICLE I - TERRITORY

The jurisdiction of the Oglala Sioux Tribe of Indians shall extend to the territory within the original confines of the Pine Ridge Indian Reservation boundaries, as defined by the act of March 2, 1889 (25 Stat. L. 888), and to such other lands as may be hereafter added thereto under any law of the United States except as may be otherwise provided by law for unrestricted lands.

ARTICLE II - MEMBERSHIP

SECTION 1.—The membership of the Oglala Sioux Tribe shall consist as follows:

(a) All persons whose names appear on the official census roll of the Oglala Sioux Tribe of the Pine Ridge Reservation as of April 1, 1935, provided, that correction may be made in the said rolls within five years from the adoption and approval of this constitution by the tribal council subject to the approval of the Secretary of Interior.

(b) All children born to any member of the tribe who is a resident of the reservation at the time of the birth of said children.

SEC. 2. The tribal council shall propose by-laws covering future membership and the adoption of new members.

ARTICLE III - GOVERNING BODY

SECTION 1. The governing body of the tribe under this constitution shall be a council which shall be composed of councilmen chosen by secret ballot by qualified voters of the tribe, which council shall hereafter be known as "The Oglala Sioux Tribal Council."

SEC. 2. Each community of the reservation as follows, shall be entitled to representation on the tribal council according to population as hereinafter provided:

Oglala community: Comprised of present White Clay Farm District.

Wakpamni community: Comprised of present Wakpamni Farm District.

Wounded Knee community: Comprised of present Wounded Knee Farm District.

Porcupine community: Comprised of present Porcupine Farm District.

Medicine Root Creek community: Comprised of present Medicine Root Farm District.

Eagle Nest community: Comprised of present Eagle Nest Farm District.

Pass Creek community: Comprised of that portion of the present Pass Creek Farm District lying north of the boundary line between Townships 37 and 38 north.

Lacreek community: Comprised of that portion of the present Pass Creek Farm District lying south of the above boundary line.

SEC. 3. The tribal council shall have authority to make changes in the foregoing list according to future community needs, subject to the approval of the Secretary of the Interior.

SEC. 4. Each recognized community shall elect representatives to the tribal council in the proportion of one representative for each 300 members, or a remainder of more than 150; Provided, That each recognized community shall be entitled to at least one representative.

SEC. 5. Prior to the first election of the tribal council the membership of each community shall be determined by the superintendent and a committee consisting of one delegate from each community herein designated. Thereafter the membership of the various communities shall be determined by the communities, subject to review by the tribal council.

SEC. 6. The officers of the tribal council shall be a president and a vice president, elected by the members of the Oglala Sioux Tribe, at large, and a secretary, a treasurer, and such other officers as may be deemed necessary, elected by the tribal council from within or outside of its own number. Officers selected from outside the membership of the council shall have no vote in the council, except that the president shall vote in case of a tie.

SEC. 7. The first election of the tribal council hereunder shall be called and supervised by the Secretary of the Interior, or such persons as he may appoint.

SEC. 8. Members of the tribal council shall be elected for a term of two years.

SEC. 9. Elections to the tribal council, after the first election, shall be called by the tribal council at least sixty days prior to the expiration of office of its members.

SEC. 10. The Oglala Sioux Tribal Council shall be the sole judge of the constitutional qualifications of its own members.

ARTICLE IV - POWERS OF THE COUNCIL

SECTION 1. Enumerated powers. The Oglala Sioux Tribal Council shall exercise the following powers, subject to any limitations imposed by the statutes or the Constitution of the United States and subject further to all express restrictions upon such powers contained in this constitution and the attached by-laws.

(a) To negotiate with the Federal, State, and local governments, on behalf of the tribe, and to advise and consult with the representatives of the Interior Department on all activities of the Department that may effect the Pine Ridge Reservation.

(b) To employ legal counsel for the protection and advancement of the rights of the Oglala Sioux Tribe and its members, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

(c) To approve or veto any sale, disposition, lease, or encumbrance of tribal lands, interests in land, or other tribal assets which may be authorized or executed by the Secretary of the Interior, the Commissioner of Indian Affairs, or any other authorized official or agency of government, provided that no tribal lands shall ever be leased for a period exceeding five years, sold, or encumbered except for governmental purposes.

(d) To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Pine Ridge Reservation prior to the submission of such estimates to the Bureau of the Budget and to Congress.

(e) To make assignments of tribal land to members of the Oglala Sioux Tribe in conformity with article X of this constitution.

(f) To manage all economic affairs and enterprises of the Oglala Sioux Tribe in accordance with the terms of a charter that may be issued to the tribe by the Secretary of the Interior.

(g) To appropriate for public purposes of the tribe any available tribal council funds, and subject to review by the Secretary of the Interior, any other available tribal funds.

(h) To levy taxes upon members of the Oglala Sioux Tribe and to require the performance of community labor in lieu thereof, and to levy taxes or license fees, subject to review by the Secretary of the Interior, upon nonmembers doing business within the reservation.

(i) To exclude from the restricted lands of the Pine Ridge Reservation persons not legally entitled to reside therein, under ordinances which shall be subject to review by the Secretary of the Interior.

(j) To enact resolutions or ordinances not inconsistent with article II of this constitution concerning membership in the Oglala Sioux Tribe.

(k) To promulgate and enforce ordinances, which shall be subject to review by the Secretary of the Interior, governing the conduct of members of the Oglala Sioux Tribe, and providing for the maintenance of law and order and the administration of justice by establishing a reservation court and defining its duties and powers.

(l) To purchase, under condemnation proceedings in courts of competent jurisdiction, land or other property needed for public purposes, subject to the approval of the Secretary of the Interior.

(m) To protect and preserve the property, wild life, and natural resources—gases, oils, and other minerals, etc.—of the tribe, and to regulate the conduct of trade and the use and disposition of property upon the reservation, provided that any ordinance directly affecting non-members of the tribe shall be subject to review by the Secretary of the Interior.

(n) To cultivate native arts, crafts, and culture, to administer charity and to protect the health and general welfare of the tribe.

(o) To charter subordinate organizations for economic purposes and to regulate the activities of associations thus chartered by the tribal council, or any other associations of members of the tribe, which are indebted to the tribe.

(p) To regulate the inheritance of property, real and personal, other than allotted lands, within the territory of the Pine Ridge Reservation, subject to review by the Secretary of the Interior.

(q) To regulate the domestic relations of members of the tribe.

(r) To provide for the appointment of guardians for minors and mental incompetents by ordinance or resolution subject to review by the Secretary of the Interior.

(s) To adopt resolutions regulating the procedure of the council itself and of other tribal agencies and tribal officials of the reservation.

(t) To delegate to subordinate boards or officers or to cooperative associations which are open to all members of the tribe any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power.

SEC. 2. Future powers. —The council of the Oglala Sioux Tribe may exercise such further powers as may in the future be delegated to the council by members of the tribe or by the Secretary of the Interior, or any other duly authorized official or agency of the State or Federal Government.

SEC. 3. Reserved powers. —Any rights and powers heretofore vested in the Oglala Sioux Tribe, but not expressly referred to in this constitution, shall not be abridged by this article, but may be exercised by the people of the Oglala Sioux Tribe through the adoption of appropriate by-laws and constitutional amendments.

SEC. 4. Manner of review. —Any resolution or ordinance which by the terms of this constitution, is subject to review by the Secretary of the Interior, shall be presented to the superintendent of the reservation, who shall, within ten days thereafter, approve or disapprove the same.

If the superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may, within 90 days from the date of enactment, rescind the said ordinance or resolution for any cause, by notifying the tribal council of such decision.

If the superintendent shall refuse to approve any ordinance or resolution submitted to him, within ten days after its enactment, he shall advise the Oglala Sioux Council of his reasons therefor. If these reasons appear to the council insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within 90 days from the date of its enactment approve the same in writing, whereupon the said ordinance or resolution shall become effective.

ARTICLE V - JUDICIAL POWERS

SECTION 1. The judicial powers of the Oglala Sioux Tribe shall be vested in a court or courts which the tribal council may ordain or establish.

SEC. 2. The judicial power shall extend to all cases involving only members of the Oglala Sioux Tribe, arising under the constitution and by-laws or ordinances of the tribe, and to other cases in which all parties consent to jurisdiction.

ARTICLE VI - COMMUNITY ORGANIZATION

Each community established under this constitution shall elect, annually, a president and such other officers as may be advisable. The president shall call and preside over councils of the community whenever necessary for the consideration of matters of local interest. The various communities may consult with representatives of the Interior Department on all matters of local interest and make recommendations thereon to the tribal council or the superintendent or Commissioner of Indian Affairs, may undertake and manage local enterprises in furtherance of the purposes set forth in the preamble to this constitution, may levy assessments upon members of the community, may expend moneys in the community treasury for the benefit of the community, may keep a roll of those members affiliated with the community, and may exercise such further powers as may be delegated to communities by the tribal council. The actions of the community councils shall not be inconsistent with the constitution and by-laws, and ordinance of the tribe.

ARTICLE VII - ELECTIONS

SECTION 1. All members of the tribe, 21 years or over, who have resided on the reservation for a period of one year immediately prior to any election shall have the right to vote.

SEC. 2. The time, place and manner of nomination and election of councilmen and any other elective officers of the council shall be determined by the tribal council by appropriate ordinances.

ARTICLE VIII - REMOVAL OF OFFICERS

SECTION 1. Any member or officer of the tribal council who is convicted of a felony or any other offense involving dishonesty shall forfeit his office.

SEC. 2. Any officer of the council or any councilman shall be subject to recall from office under due process of law for cause. Any complaint against any officer of the council or any councilman must be in writing and sworn to by the complainant. No person is to be impeached except by a two-thirds (2/3) vote of the council after the accused has had due notice of the charges against him and an opportunity to be heard in his own defense.

ARTICLE IX - REFERENDUM

SECTION 1. Upon a petition by at least one-third (1/3) of the eligible voters of the Oglala Sioux Tribe, or upon the request of a majority of the members of the tribal council, any enacted or proposed ordinance or resolution of the council shall be submitted to popular referendum, and the vote of a majority of the qualified voters voting in such a referendum shall be conclusive and binding on the tribal council.

ARTICLE X - LAND

SECTION 1. Allotted lands. —Allotted lands including heirship lands, within the Pine Ridge Reservation, shall continue to be held as heretofore by their present owners. It is recognized that under existing law such lands may be inherited by the heirs of the present owner, whether or not they are members of the Oglala Sioux Tribe. Likewise it is recognized that under existing law the Secretary of the Interior may, at his discretion, remove restrictions upon such land, upon application by the Indian owner, whereupon the land will become subject to State taxes and may be mortgaged or sold. The right of the individual Indian to hold or to part with his land, as under existing law, shall not be abrogated by anything contained in this constitution, but the owner of restricted land may, with the approval of the Secretary of the Interior, voluntarily convey his land to the Oglala Sioux Tribe either in exchange for a money payment or in exchange for an assignment covering the same land or other land, as hereinafter provided.

SEC. 2. Tribal lands. —The unallotted lands of the Pine Ridge Reservation and all lands which may hereafter be acquired by the Oglala Sioux Tribe or by the United States in trust for the Oglala Sioux Tribe, shall be held as tribal lands, and no part of such land shall be mortgaged or sold. Tribal lands shall not be allotted to individual Indians but may be assigned to members of the Oglala Sioux Tribe, or leased, or otherwise used by the tribe, as hereinafter provided.

SEC. 3. Leasing of tribal lands. —Tribal lands may be leased by the tribal council, with the approval of the Secretary of the Interior, for such periods of time as are permitted by law.

In the leasing of tribal lands preference shall be given, first, to Indian communities or cooperative associations, and, secondly, to individual Indians who are members of the Oglala Sioux Tribe. No lease of tribal land to a non-member shall be made by the tribal council unless it shall appear that no Indian community or cooperative association or individual member of the tribe is able and willing to use the land and to pay a reasonable fee for such use.

Grazing permits covering tribal land may be issued by the tribal council, with the approval of the Secretary of the Interior, in the same manner and upon the same terms as leases.

SEC. 4. Grant of standard assignments. —In any assignment of tribal lands which are now owned by the tribe or which may be hereafter purchased for the tribe by the United States, or purchased by the tribe out of tribal funds, preference shall be given, first, to heads of families which are entirely landless, and, secondly, to heads of families which have no allotted lands or interests in allotted lands but shall have already received assignments consisting of less than 20 acres of agricultural land, or other land or interests in land of equal value.

No allotted member of the tribe who may hereafter have the restrictions upon his land removed and whose land may thereafter be alienated shall be entitled to receive an assignment of land as a landless Indian.

The tribal council may, if it sees fit, charge a fee of $10 on approval of an assignment made under this section.

Assignments made under this section shall be for the primary purpose of establishing homes for landless Indians and shall be known as standard assignments.

SEC. 5. Tenure of standard assignments. —If any member of the tribe holding a standard assignment of land shall, for a period of two years, fail to use the land so assigned or shall use such land for any unlawful purpose his assignment may be cancelled by the tribal council after due notice and an opportunity to be heard and the said land may be reassigned in accordance with the provisions of section 4 of this article.

Upon the death of any Indian holding a standard assignment, his heirs or other individuals designated by him, by will, or written request, shall have a preference in the reassignment of the land, provided such persons are members of the Oglala Sioux Tribe who would be eligible to receive a standard assignment.

SEC. 6. Grant of exchange assignments. —Any member of the tribe who owns an allotment or any share of heirship land or patent in fee land may voluntarily transfer his interest in such land to the tribe in exchange for an assignment to the same land or other land of equal value. If the assignee prefers, he may receive, in lieu of a specific tract of land, a proportionate share in a larger grazing unit.

SEC. 7. Leasing of exchange assignments. —Exchange assignments may be used by the assignee or leased by him to Indian cooperative associations, to individual members of the tribe, or, if no individual Indian or Indian cooperative association is able and willing to rent the land at a reasonable fee, such assignments may be leased to non-Indians, in the same manner as allotted lands.

SEC. 8. Inheritance of exchange assignments. —Upon the death of the holder of any exchange assignment, such land shall be reassigned by the tribal council to his heirs or devisees, subject to the following conditions:

(a) Such lands may not be reassigned to any heir or devisee who is not a member of the Oglala Sioux Tribe, except that a life assignment may be made to the surviving widower, widow, or child of the holder of an assignment.

(b) Such lands may not be reassigned to any heir or devisee who already holds more than 1,280 acres of grazing land, or other land or interests in land of equal value, either under allotment or under assignment.

(c) Such lands may not be subdivided among heirs or devisees into units too small for convenient management. No area of grazing land shall be subdivided into units smaller than 160 acres, and no area of agricultural land shall be sub-divided into units smaller than two and one-half acres, except that land used for buildings or other improvements may be divided to suit the convenience of the parties. Where it is impossible to divide the land properly among the eligible heirs or devisees, the Tribal Council shall issue to such heirs or devisees grazing permits or other interests in tribal lands of the same value as the assignment of the decedent.

(d) If there are no eligible heirs or devisees of the decedent, the land shall be eligible for reassignment in accordance with the provisions of section 4 of this article.

SEC. 9. Inheritance of improvements. —Improvements of any character made upon assigned lands may be bequeathed to and inherited by members of the Oglala Sioux Tribe under such regulations as the tribal council shall provide. No permanent improvements shall be removed without the consent of the council.

SEC. 10. Exchange of assignments. —Assignments may be exchanged between members of the Oglala Sioux Tribe by common consent in such manner as the tribal council shall designate.

SEC. 11. Use of unassigned tribal land. —Tribal land which is not leased or assigned, including tribal timber reserves, shall be managed by the tribal council for the benefit of the members of the entire tribe, and any cash income derived from such land shall accrue to the benefit of the tribe as a whole.

SEC. 12. Purchase of land by tribe. —Tribal funds may be used, with the consent of the Secretary of the Interior to acquire land under the following conditions:

(a) Land within the Pine Ridge Reservation or adjacent to the boundaries thereof which is not now in Indian ownership may be purchased by or for the Oglala Sioux Tribe.

(b) Land owned by any member of the tribe who desires to leave the reservation permanently may be purchased by the tribe, under such terms as may be agreed upon.

SEC. 13. Method of making assignments. —Applications for assignments shall be filed with the secretary of the council and shall be in writing, setting forth the name of the person or persons applying for the land and as accurate a description of the land desired as the circumstances will permit. Notices of all applications received by the secretary shall be posted by him in the agency office and in at least three conspicuous places in the district in which the land is located for not less than 20 days before action is taken by the council. Any member of the tribe wishing to oppose the granting of an assignment shall do so in writing, setting forth his objections to be filed with the secretary of the council, and may, if he so desires, appear before the council to present evidence. The secretary of the council shall furnish the superintendent or other officer in charge of the agency a complete record of all action taken by the council on applications for assignment of land and a complete record of assignments shall be kept in the agency office and shall be open for inspection by members of the tribe.

ARTICLE XI - AMENDMENTS

This constitution and by-laws may be amended by a majority vote of the qualified voters of the tribe voting at an election called for the purpose by the Secretary of the Interior, provided that at least thirty (30) percent ofthose entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment, at the request of two-thirds (2/3) of the council, or upon presentation of a petition signed by one-third (1/3) of the qualified voters, members of the tribe.

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BY- LAWS OF THE OGLALA SIOUX TRIBE OF THE PINE RIDGE RESERVATION OF SOUTH DAKOTA

ARTICLE I - DUTIES OF OFFICERS

SECTION 1. It shall be the duty of the president to preside over all meetings of the Oglala Sioux Tribal Council and to carry out all orders of the council, unless prevented by just causes. All members of the council, within their respective districts, and all subordinate officers shall assist the president in all proper ways to carry out the orders of the council.

SEC. 2. The vice president shall perform the duties and execute the powers of the president in the absence of the president and shall assume the presidency in the event of a vacancy in the office.

SEC. 3. The council secretary shall keep a full report of all proceedings of each regular and special meeting of the tribal council ahd shall perform such other duties of like nature as the council shall from time to time by resolution provide, and shall transmit copies of the minutes of each meeting to the president of the council, to the superintendent of the reservation, to the Commissioner of Indian Affairs, and to all recognized communities of the reservation.

SEC. 4. The council treasurer shall be the custodian of all moneys which come under the jurisdiction or control of the Oglala Sioux Tribal Council. He shall pay out money in accordance with the orders and resolutions of the council. He shall keep accounts of all receipts and disbursements and shall make written reports of same to the tribal council at each regular and special meeting. He shall be bonded in such an amount as the council by resolution shall provide, and such bond to be approved by the Commissioner of Indian Affairs. The books of the council treasurer shall be subject to inspection or audit by the direction of the council or the Commissioner of Indian Affairs.

SEC. 5. There shall be an executive committee, which shall consist of the president, the secretary, and treasurer of the council, the superintendent of the agency, and a fifth member selected by the council. This committee shall act on behalf of the council at such times as the council is not in session and shall have charge of all routine matters which shall arise during such recess, including the administration of the land provisions of this constitution, and such other matters as may be delegated to it by the council. The committee shall make a report at each regular and special session of the council.

SEC. 6. The subordinate officers of the Oglala Sioux Tribal Council shall perform such duties as the council may by resolution from time to time provide.

SEC. 7. It shall be the duty of the tribal council and each member thereof to promote the general welfare of the Sioux of this reservation and to carry out the provisions and purposes of this constitution and by-laws.

ARTICLE II - QUALIFICATION OF OFFICERS

SECTION 1. Any person elected as councilman must be a member of the Oglala Sioux Tribe and must be at least 25 years of age at the time of the election.

SEC. 2. No member of the council shall vote in any matter in which he may have an interest by reason of employment in the Federal service or by any private organization.

ARTICLE III - OATHS OF OFFICE

SECTION 1. Each member of the tribal council and each officer elected or appointed hereunder, shall take an oath of office prior to assuming the duties thereof; by which oath he shall pledge himself to support and defend the Constitution of the United States and this constitution and by-laws.

(Oath) I, ____________________, do solemnly swear that I will support and defend the Constitution of the United States against all enemies; carry out faithfully and impartially the duties of my office to the best of my ability; promote and protect the best interests of my tribe, the Oglala Sioux, in accordance with this constitution and by-laws.

ARTICLE IV - SALARIES

SECTION 1. The salaries of the councilmen or other officers of the Oglala Sioux Tribe may be paid out of available funds of the tribe in accordance with ordinances duly enacted, provided that no council shall enact any ordinance increasing the salaries of councilmen during the existing term of office.

SEC. 2. No compensation shall be paid to any councilman, president, vice president, secretary, treasurer, tribal counsel, or any officer out of the tribal funds under the control of the Federal Government, except upon a resolution stating the amount of compensation and the nature of services approved by the Secretary of the Interior.

ARTICLE V - MEETINGS AND PROCEDURE

SECTION 1. Regular meetings of the council shall be four in each year, to be held during January, April, July, and October, on such days of such months as the council by resolution shall provide.

SEC. 2. Two-thirds (2/3) of the duly elected members must be present to constitute a quorum.

SEC. 3. Special meetings may be called by request of the president, or of a majority of the councilmen, in writing, and when so called, two-thirds (2/3) of said councilmen must be present to constitute a quorum, and the council shall have the power to transact business as in regular meetings.

SEC. 4. The order of business in any regular or special meeting of the council shall be as follows:

1. Council called to order for session.
2. Prayer by authorized person in behalf of council.
3. Opening address to council by presiding officer or authorized member.
4. Roll call—quorum.
5. Reading and acceptance of minutes of previous meeting.
6. Reports of standing committees.
7. Report of council treasurer.
8. Report of special committees.
9. Report of executive committee.
10. Reading of communications and reports.
11. Impeachment trials.
12. Installation of new officers.
13. Unfinished business.
14. New business.
15. Appointment of committees.
16. Adjournment.

ARTICLE VI - NATIONAL SIOUX COUNCIL

SECTION 1. The tribal council may appoint delegates to represent the Oglala

Sioux Tribe in national Sioux councils.

ARTICLE VII - ADOPTION OF CONSTITUTION AND BY-LAWS

SECTION 1. This constitution and the attached by-laws when approved by a majority of the adult voters of the Oglala Sioux Tribe voting in a special election called by the Secretary of the Interior in which at least thirty (30) per cent of the eligible voters vote, shall be submitted to the Secretary of the Interior for approval and shall be effective from the date of such approval.

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CERTIFICATION OF ADOPTION

Pursuant to an order, approved December 11, 1935, by the Secretary of the Interior, the attached constitution and by-laws was submitted for ratification to the members of the Oglala Sioux Tribe of Indians of the Pine Ridge Reservation and was on December 14, 1935, duly approved by a vote of 1,348 for, and 1,041 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the act of June 15, 1935 (Pub., No. 147, 74th Cong.).

WILLIAM FIRE THUNDER,
Chairman of Election Board.

WILLIAM PUGH,
Secretary of Election Board.

JAMES H. McGREGOR,
Superintendent in Charge of Reservation.

I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached constitution and by-laws of the Oglala Sioux Tribe of the Pine Ridge Reservation.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said constitution and by-laws are hereby declared inapplicable to these Indians.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said constitution and by-laws.

Approval recommended January 7, 1936.

JOHN COLLIER,
Commissioner of Indian Affairs.

HAROLD L. ICKES,
Secretary of the Interior
[Seal]

Washington, D.C., January 15, 1936.

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The Oglala Sioux Tribe is an unincoporated tribe and does not have a charter.

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CORPORATE CHARTER OF THE ROSEBUD SIOUX TRIBE, SOUTH DAKOTA

Ratified March 16, 1937
with amendments

Whereas, the Rosebud Sioux Tribe of the Rosebud Reservation in South Dakota, is a recognized Indian Tribe organized under a constitution and by-laws ratified by the Tribe on November 23, 1935, and approved by the Secretary of the Interior on December 20, 1935, pursuant to section 16 of the Act on June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378); and

Whereas, more than one-third of the adult members of the Tribe have petitioned that a charter of incorporation be granted to such Tribe subject to ratification by a vote of the adult Indians living on the reservation.

Now, therefore, I, Harold L. Ickes, Secretary of the Interior, by virtue of the authority conferred upon me by the said Act of June 18, 1934 (48 Stat. 984), do hereby issue and submit this charter of incorporation to the Rosebud Sioux Tribe to be effective from and after such time as it may be ratified by a majority vote of the adult Indians living on the reservation, at an election in which at least 30 percent of the eligible voters vote.

1. Corporate Existence. In order to further the economic development of the Rosebud Sioux Tribe by conferring upon the said Tribe certain corporate rights, powers, privileges and immunities; to secure for the members of the Tribe an assurred economic independence; and to provide for the proper exercise by the Tribe of various functions heretofore performed by the Department of the Interior, the aforesaid Tribe is hereby chartered as a body politic and corporate of the United States of America, under the corporate name "The Rosebud Sioux Tribe."

2. Perpetual Succession. The Rosebud Sioux Tribe shall, as a Federal corporation, have perpetual succession.

3. Membership. The Rosebud Sioux Tribe shall be a membership corporation. Its members shall consist of all persons now or hereafter members of the Tribe, as provided by its duly ratified and approved Constitution and By-Laws.

4. Management. The Rosebud Sioux Tribal Council established in accordance with the said Constitution and By-Laws of the Tribe, shall exercise all of the corporate powers hereinafter enumerated.

5. Corporate Powers. The Tribe, subject to any restrictions contained in the Constitution and laws of the United States, or in the Constitution and By-laws of the said Tribe, shall have the following corporate powers, in addition to all powers already conferred or guaranteed by the Constitution and By-laws of the Tribe.

(a) To adopt, use, and alter at its pleasure a corporate seal.

(b) To purchase, take by gift, bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, subject to the following limitations:

(1) "No sale, mortgage, or lease may be made by the Tribe of any land, or interest in land, now or hereafter held by the Tribe, except as authorized by law, the regulations of the Secretary of the Interior and the Constitution of the Tribe." [Charter Amendment No. I, effective June 19, 1962.]

(2) No leases, permits (which terms shall not include land assignments to members of the Tribe) or timber sale contracts covering any land or interests in land now or hereafter held by the Tribe within the boundaries of the Rosebud Reservation shall be made by the Tribe for a longer term than ten years, and all such leases, permits or contracts must be approved by the Secretary of the Interior or by his duly authorized representative; but oil and gas leases, mineral leases, or any leases requiring substantial improvements of the land may be made for longer periods when authorized by law. [Charter Amendment No. I, effective June 19, 1962.]

(3) No action shall be taken by or in behalf of the Tribe which in any way operates to destroy or injure the tribal grazing lands, timber, or other natural resources of the Rosebud Reservation. All leases, permits, and timber sale contracts relating to the use of tribal grazing or timber lands shall conform to regulations of the Secretary of the Interior authorized by section 6 of the Act of June 18, 1934, with respect to range carrying capacity, sustained yield forestry management, and other matters therein specified. Conformity to such regulations shall be made a condition of any such lease, permit, or timber sale contract, whether or not such agreement requires the approval of the Secretary of the Interior, and violation of such condition shall render the agreement revocable, in the discretion of the Secretary of the Interior.

(c) To issue interests in corporate property in exchange for restricted Indian lands, the forms of such interests to be approved by the Secretary of the Interior.

(d) To borrow money for any purpose consistent with Federal law, the tribal constitution of the Tribe, this charter and the regulations of the Secretary of the Interior; Provided, that no tribal assets, including future tribal income, may be pledged as security for a loan except with the approval of the Secretary of the Interior; and Provided further, that any contract involving payment in excess of $75,000 in any one fiscal year shall be subject to approval by the Secretary of the Interior.

(e) To engage in any business that will further the economic well-being of the members of the Tribe or to undertake any activity of any nature whatever, not inconsistent with law or with any provisions of this charter.

(f) To make and perform contracts and agreements of every description, not inconsistent with law or with any provisions of this charter, with any person, association, or corporation, with any municipality or any county, or with the United States or the State of South Dakota, including agreements with the State of South Dakota for the rendition of public services; provided that all contracts entered into during any one fiscal year, requiring payment of money by the corporation, other than contracts with the United States or contracts submitted for Departmental approval, shall not exceed $10,000 in total amount except with the approval of the Secretary of the Interior.

(g) To pledge or assign chattels or future income due or to become due to the the Tribe under any notes, leases, or other contracts, or from any other source, whether or not such notes, leases or contracts are in existence at the time, provided that such agreements of pledge or assignment, other than agreements with the United States, shall not extend more than ten years from the date of execution and shall not cover more than one-half the income from any source, and provided further that any such agreement shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(h) To deposit tribal and corporate funds to the credit of the Rosebud Sioux Tribe, in any bank or institution whose deposits are insured by any agency of the Federal Government, and to purchase interest bearing certificates of deposit in any such bank or institution. [Charter Amendment No. III, effective June 19, 1962.]

(i) To sue and to be sued in courts of competent jurisdiction within the United States; but the grant or exercise of such power to sue and be sued shall not be deemed a consent by the Tribe or by the United States to the levy of any judgment, lien or attachment upon the property of the Tribe other than income or chattels specially pledged or assigned; nor shall the grant or exercise of such power be deemed or construed to be a consent to be sued in respect of any land within the exterior boundaries of the Rosebud Reservation, or a consent to the alienation, attachment, or encumbrance of any such land.

(j) To exercise such further incidental powers, not inconsistent with law, as may be necessary to the conduct of corporate business.

6. Termination of Supervisory Powers. Upon the request of the Rosebud Sioux Tribal Council for the termination of any supervisory powers reserved to the Secretary of the Interior under sections 5b (2), 5c, 5d, 5f, 5g, and 5h, and section 8 of this charter, the Secretary of the Interior, if he shall approve such request, shall thereupon submit the question of such termination to the Tribe for referendum. The termination shall be effective upon ratification by a majority vote at an election in which at least thirty per cent of the adult members of the Tribe residing on the reservation shall vote. If at any time after ten years from the effective date of this charter, such request shall be made and the Secretary shall disapprove it or fail to approve or disapprove it within ninety days after its receipt the question of the termination of any such power may then be submitted by the Secretary of the Interior or by the Tribal Council to popular referendum of the adult members of the Tribe actually living within the reservation and if the termination is approved by two-thirds of the eligible voters, shall be effective.

7. Corporate Property. No property rights of the Rosebud Sioux Tribe shall be in any way impaired by any thing contained in this charter, and the tribal ownership of unallotted lands, whether or not assigned to the use of any particular individuals, is hereby expressly recognized. The individually owned property of members of the Tribe shall not be subject to any corporate debts or liabilities, without such owner's consent.

8. Corporate Dividends. The Tribe may issue to each of its members a non-trans-

ferable certificate of membership evidencing the equal share of each member in the assets of the Tribe and may distribute per capita, among the recognized members of the Tribe, all income of the Tribe over and above sums necessary to defray corporate obligations and over and above all sums which may be devoted to the establishment of a reserve fund, the construction of public works, the costs of public enterprises, the expenses of the tribal government, the needs of charity, or other corporate purposes. Any such distribution of profits in any one year, amounting to a distribution of more than one-half of the accrued surplus, shall not be made without the approval of the Secretary of the Interior. No distribution of financial assets of the Tribe shall be made except as herein provided or as authorized by Congress.

9. Corporate Accounts. The officers of the Tribe shall maintain accurate and complete public accounts of the financial affairs of the Tribe, which shall clearly show all credits, debts, pledges, and assignments, and shall furnish an annual balance sheet and report of the financial affairs of the Tribe to the Commissioner of Indian Affairs.

10. Amendments. This charter shall not be revoked or surrendered except by act of Congress, but amendments may be proposed by resolution of the Tribal Council, which if approved by the Secretary of the Interior, to be effective shall be ratified by a majority vote of the adult members living on the reservation at a popular referendum in which at least 30 per cent of the eligible voters vote.

11. Ratification. This charter shall be effective from and after the date of its ratification by a majority vote on the adult members of the Rosebud Sioux Tribe living on the Rosebud Reservation, provided at least 30 percent of the eligible voters shall vote, such ratification to be formally certified by the Superintendent of the Rosebud Agency and the President of the Rosebud Sioux Tribal Council.

Submitted by the Secretary of the Interior for ratification by the Rosebud Sioux Tribal in a popular referendum to be held on March 16, 1937.

HAROLD L. ICKES
Secretary of the Interior.
[Seal]

Washington, D.C., January 18, 1937.

***

CERTIFICATION

Pursuant to section 17 of the Act of June 18, 1934 (48 Stat. 984), this charter, issued on January 18, 1937, by the Secretary of the Interior to the Rosebud Sioux Tribe of the Rosebud Reservation, was duly submitted for ratification to the adult Indians living on the Reservation and was on March 16, 1937, duly ratified by a vote of 1041 for and 959 against, in an election in which over thirty per cent of those entitled to vote cast their ballots.

Antoine Roubideaux,
President, Rosebud Sioux Tribal Council

C. R. Whitlock,
Superintendent, Rosebud Agency.
March 23, 1937.

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AMENDMENTS TO THE CORPORATE CHARTER

Amendment No. I. (Effective June 19, 1962.)

Section 5(b)(1), Corporate Powers, shall be amended to read as follows:

> "No sale, mortgage, or lease may be made by the Tribe of any land, or interest in land, now or hereafter held by the Tribe, except as authorized by law, the regulations of the Secretary of the Interior and the Constitution of the Tribe."

Amendment No. II. (Effective June 19, 1962.)

Section 5(d), Corporate Powers, shall be amended to read as follows:

> "To borrow money for any purpose consistent with Federal law, the tribal constitution of the Tribe, this charter and the regulations of the Secretary of the Interior;
>
> "Provided, that no tribal assets, including future tribal income, may be pledged as security for a loan except with the approval of the Secretary of the Interior; and
>
> "Provided further, that any contract involving payment in excess of $75,000 in any one fiscal year shall be subject to approval by the Secretary of the Interior."

Amendment No. III. (Effective June 19, 1962.)

Section 5(h), Corporate Powers, shall be amended to read as follows:

> "To deposit tribal and corporate funds to the credit of the Rosebud Sioux Tribe, in any bank or institution whose deposits are insured by any agency of the Federal Government, and to purchase interest bearing certificates of deposit in any such bank or institution."

CERTIFICATION OF ADOPTION OF AMENDMENTS NOS. I, II AND III TO THE CORPORATE CHARTER

Pursuant to an order approved May 4, 1962, by the Assistant Secretary of the Interior, the foregoing amendments Nos. I, II and III to the Charter of the Rosebud Sioux Tribe of South Dakota were submitted for adoption to the qualified voters of the Rosebud Sioux Tribe and on May 16, 1962, were duly adopted in an election in which at least thirty percent (30%) of those entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934, 48 Stat. 984, as amended, with the votes on each amendments shown as follows:

Amendment No. I	341	For
	300	Against
Amendment No. II	336	For
	278	Against
Amendment No. III	340	For
	260	Against

/S/ Cato W. Valandra, President
Rosebud Sioux Tribal Council

/S/ Antoine Roubideaux, Secretary
Rosebud Sioux Tribal Council

/S/ Harold W. Schunk, Superintendent
Rosebud Agency

***

APPROVAL BY THE SECRETARY OF THE INTERIOR OF AMENDMENTS TO THE CORPORATE CHARTER, NOS. I, II AND III, EFFECTIVE JUNE 19, 1962

The foregoing amendments were approved by the Secretary of the Interior by letter dated June 19, 1962, from the Secretary of the Interior to Superintendent Harold W. Schunk.

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CONSTITUTION AND BY-LAWS OF THE ROSEBUD SIOUX TRIBE OF SOUTH DAKOTA

Preamble

Under and by virtue of our Creator and His divine providence, we the enrolled members of the Rosebud Sioux Tribe of Indians of the Rosebud Indian Reservation in the State of South Dakota, in order to establish a united tribal organization, to establish justice, to insure tranquillity and enjoy the blessings of freedom and liberty, to conserve our tribal property, to develop our common resources, and to promote the best welfare of the present generation and our posterity, in education and industry, do hereby adopt and establish this constitution and by-laws.

ARTICLE I - TERRITORY

The jurisdiction of the Rosebud Sioux Tribe of Indians shall extend to the territory within the original confines of the Rosebud Reservation boundaries as established by the act of March 2, 1889, and to such other lands as may hereafter be added thereto under any law of the United States, except as otherwise provided by law.

ARTICLE II - MEMBERSHIP

SECTION 1. Membership of the Rosebud Sioux Tribe shall consist as follows:

(a) All persons of Indian blood, including persons born since December 31, 1920, whose names appear on the official census roll of the tribe as of April 1, 1935.

(b) All persons born after April 1, 1935, and prior to the effective date of this amendment, to any member of the Rosebud Sioux Tribe who was a resident of the reservation at the time of the birth of said persons. [Amendment No. V, effective May 2, 1966.]

(c) All children of one-fourth or more Rosebud Sioux Indian blood born after the effective date of this amendment to a member of the tribe, regardless of the residence of the parent. [Amendment No. V, effective May 2, 1966.]

SEC. 2. The Tribal Council shall have power to promulgate ordinances, subject to review by the Secretary of the Interior, covering future membership and the adoption of new members.

ARTICLE III - GOVERNING BODY

SECTION 1. The governing body of the Rosebud Sioux Tribe shall consist of a council known as the Rosebud Sioux Tribal Council.

SEC. 2. The president and vice-president of the tribe, shall be elected at large for a term of two years. All other members of the council shall be elected for terms of two years. All elections shall be by secret ballot. Each community of the reservation, as follows, shall be entitled to representation on the tribal council, according to population, as hereinafter provided:

1. Antelope

2. Bad Nation
3. Black Pipe
4. Bull Creek
5. Butte Creek
6. Corn Creek
7. Grass Mountain
8. He Dog
9. Horse Creek
10. Ideal
11. Milk's Camp
12. Okreek
13. Parmelee
14. Ring Thunder
15. Rosebud
16. St. Francis
17. Soldier Creek
18. Spring Creek
19. Swift Bear
20. Two Strike
21. Upper Cut Meat

[Amended effective March 27, 1963.] [Amendment No. VI, effective May 2, 1966.]

SEC. 3. The tribal council shall have authority to make changes in the foregoing list according to future community needs, subject to the approval of the Secretary of the Interior.

SEC. 4. Each recognized community shall elect representatives to the tribal council, in the proportion of one representative for each two hundred fifty (250) members or a remainder of more than one hundred twenty-five (125), provided that each recognized community shall be entitled to at least one representative.

SEC. 5. Any member of the tribe at least twenty-five (25) years of age, who has not been found guilty by the council of misconduct in tribal affairs and is not an employee of either the Department of the Interior or of the Public Health Service shall be qualified to seek and hold membership on the tribal council, provided that a candidate for president or vice-president of the tribe must have been living on the reservation for at least one year next preceding the date of the primary election, and a candidate for community representative must have been living in the community of his candidacy for at least one year next preceding the date of the primary election. If by reason of tribal employment, or tribal office, a candidate for community representative is absent from the community of his candidacy, and resides in Rosebud community, such residence shall be treated as living in the community of his candidacy for purpose of this section. [Amendment No. VI, effective May 2, 1966.]

SEC. 6. If the office of president becomes vacant before the expiration of the term, the vice-president shall fill the unexpired term unless the tribal council orders a special election. If the office of vice-president becomes vacant by reason of succession, or any other cause, the tribal council shall elect a vice-president from its own number to fill the vacancy until the next general election: Provided, that the tenure of office of any person elected to fill the vacancy shall not extend beyond the term of office of the original incumbent.

If the office of any community representative becomes vacant before the expiration of the term and one year or more of the term remains, the tribal council, within thirty (30) days after the vacancy, shall order a special election. If less than one year of the term remains, the community council of the affected community, within thirty (30) days from the date of the vacancy shall appoint a community representative for the unexpired term otherwise the tribal council shall make the appointment for the unexpired term. [Amendment No. VI, effective May 2, 1966.]

SEC. 7. The tribal council shall elect from within or without its number a secretary, treasurer, sergeant-at-arms, and such other officers as it may deem appropriate for a term of two years but not beyond the next general election. Any such officers selected from without the council shall have no vote in matters before the council.

[Amendment No. VI, effective May 2, 1966.]

SEC. 8. The Rosebud Sioux Tribal Council shall be the sole judge of the constitutional qualifications of its own members.

SEC. 9. The first election of councilmen under this constitution shall be held on call of the present council, within thirty (30) days after its ratification and approval. Prior to the first election of the tribal council the membership of each community shall be determined by the superintendent and a committee consisting of one delegate from each community herein designated. [Amendment No. VII, effective May 2, 1966.]

SEC. 10. There shall be primary election and a general election for president and vice-president of the tribe held every two years commencing in 1967, and there shall be a primary election and general election for community representatives to the tribal council held every two years commencing in 1967. Primary elections shall be held on the fourth Thursday in August and general elections shall be held on the fourth Thursday in October. If the election Thursday is a legal holiday, the election shall be held on the first subsequent day which is not a holiday. The terms of councilmen and officers in office on the effective date of this amendment shall expire thirty (30) days following certification of the results of the general election to be held in 1967. [Amendment No. VI, effective May 2, 1966.]

ARTICLE IV - POWERS OF THE ROSEBUD SIOUX TRIBAL COUNCIL

SECTION 1. Enumerated Powers. —The council of the Rosebud Sioux Tribe shall exercise the following powers, subject to any limitations imposed by the statutes or the Constitution of the United States, and subject further to all express restrictions upon such powers contained in this constitution and attached by-laws. [Amendment No. I, effective June 19, 1962.]

(a) To negotiate with the Federal, State, and local Governments on behalf of the tribe and to advise and consult with the representatives of the Interior Department on all activities of the Department that may affect the Rosebud Sioux Reservation.

(b) To employ legal council for the protection and advancement of the rights of the tribe and its members, the choice of council and fixing of fees to be subject to the approval of the Secretary of the Interior.

(c) To purchase and to otherwise acquire lands and other property for or on behalf of the Tribe and manage, permit, assign, lease, sell, exchange, encumber, or otherwise deal with tribal lands and property as authorized by law, and to prevent the sale, disposition, lease or encumbrance of tribal lands, interests in tribal lands or other tribal assets without the consent of the Tribe; provided, that in leasing tribal land for grazing or agricultural purposes preference shall be given to any member of the Tribe who is the economic head of the family. [Amendment No. II, effective June 19, 1962.]

(d) To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the tribe prior to the submission of such estimates to the Bureau of the Budget and to Congress.

(e) To make assignments of tribal land to members of the tribe in conformity with Article VIII of this constitution.

(f) To manage all economic affairs and enterprises of the tribe in accordance with the terms of a charter which may be issued to the tribe by the Secretary of the Interior.

(g) To appropriate for public purposes of the Rosebud Sioux Tribe available tribal council funds, and subject to review by the Secretary of the Interior, any other available tribal funds.

(h) To levy taxes upon members of the tribe and to require the performance of reservation labor in lieu thereof, and to levy taxes or license fees, subject to review by the Secretary of the Interior, upon non-members doing business within the reservation.

(i) To exclude from the restricted lands of the reservation persons not legally entitled to reside therein, under ordinances which shall be subject to review by the Secretary of the Interior.

(j) To enact resolutions or ordinances not inconsistent with Article II of this constitution governing the adoption and abandonment of membership.

(k) To promulgate and enforce ordinances, which shall be subject to review by the Secretary of the Interior, governing the conduct of members of the tribe, and providing for the maintenance of law and order and the administration of justice by establishing a reservation court and defining its duties and powers.

(l) To purchase lands of members of the tribe for public purposes, under condemnation proceedings in courts of competent jurisdiction.

(m) To safeguard and promote the peace, safety, morals, and general welfare of the tribe by regulating the conduct of trade and the use and disposition of property upon the reservation, provided that any ordinance directly affecting non-members of the tribe shall be subject to review by the Secretary of the Interior, and provided further that non-restricted property of members which was obtained without any help or assistance of the Government or the tribe may be disposed of without restrictions.

(n) To charter subordinate organization for economic purposes and to regulate the activities of all cooperative associations of members of the tribe.

(o) To regulate the inheritance of property, real and personal, other than allotted lands, within the territory of the reservation, subject to review by the Secretary of the Interior.

(p) To regulate the domestic relations of members of the tribe.

(q) To provide for the appointment of guardians for minors and mental incompetents by ordinance or resolution subject to review by the Secretary of the Interior.

(r) To exchange and foster the arts, crafts, traditions, and culture of the Sioux.

(s) To regulate the manner of making nominations and holding elections for tribal offices.

(t) To adopt resolutions regulating the procedure of the council itself and of other tribal agencies and tribal officials.

(u) To delegate to subordinate boards or tribal officials, to the several communities, or to cooperative associations which are open to all members of the tribe any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power.

SEC. 2. Manner of Review. —Any ordinance or resolution which, by the terms of this constitution, is subject to review by the Secretary of the Interior, shall be presented to the superintendent of the reservation, who shall, within ten (10) days thereafter, approve or disapprove the same.

If the superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may, within ninety (90) days from the date of its receipt by the Superintendent, rescind the said ordinance or resolution for any cause, by notifying the reservation council of such decision.

If the superintendent shall refuse to approve any ordinance or resolution within ten (10) days after its receipt by him, he shall advise the Rosebud Sioux Council of his reasons therefor. If these reasons appear to the council insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within ninety (90) days from the date of its receipt by him, approve or disapprove the same in writing. [Amendment No. VIII, effective May 2, 1966.]

SEC. 3. Future Powers. —The tribal council may exercise such further powers as may in the future be delegated to the tribe by the Secretary of the Interior, or by any duly authorized official or agency of the State of Federal Government.

SEC. 4. Reserved Powers. —Any rights and powers heretofore vested in the Rosebud Sioux Tribe but not expressly referred to in this constitution shall not be abridged by this article, but may be exercised by the people of the Rosebud Sioux Tribe through the adoption of appropriate by-laws and constitutional amendments.

ARTICLE V - COMMUNITY ORGANIZATION

Each community established under this constitution shall elect, annually, a president and such other officers as may be advisable. The president shall call and preside over popular meetings of the community whenever necessary for the consideration of matters of local interest. The various communities may consult with representatives of the Interior Department on all matters of local interest and make recommendations thereon to the tribal council or the superintendent or Commissioner of Indian Affairs, may undertake and manage local enterprises for the benefit of the community, may expend moneys in the community treasury for the benefit of the community, may keep a roll of those members of the tribe affiliated with the community, and may exercise such further powers as may be delegated to the communities by the tribal council. The actions of the community councils shall not be inconsistent with the constitution, by-laws, and ordinances of the tribe.

ARTICLE VI - ELECTIONS

SECTION 1. Any enrolled member of the Rosebud Sioux Tribe, at least twenty-one (21) years of age, who has resided for at least ninety (90) days immediately prior to the election day in the community in which he anticipates to vote, is qualified to vote. [Amendment No. IX, effective May 2, 1966.]

[Former Section 2 repealed by Amendment No. X, effective May 2, 1966.]

ARTICLE VII - REMOVAL FROM OFFICE

SECTION 1. Any member of the tribal council who is convicted of a felony or of any other offense involving dishonesty during his term of office shall automatically forfeit his office.

SEC. 2. The tribal council may, by a two-thirds vote, expel any member for neglect of duty or gross misconduct, after due notice of charges and an opportunity to be heard.

ARTICLE VIII - LAND

[Former Sections 1, 2, 3 and 4 repealed by Amendment No. III effective June 19, 1962.]

SECTION 1. In any assignment of tribal lands, preference shall be given to heads of families which are entirely landless. Assignments under this section shall be known as "home assignments" and shall be granted for the purpose of giving opportunity to homeless Indians for establishing a home. Any assignment under this provision shall not exceed ten (10) acres in area.

SEC. 2. If any person holding a "home assignment" of land shall for a period of six months fail to use the land so assigned or shall use the land for any unlawful purpose, his assignment may be cancelled by the tribal council after due notice and opportunity to be heard. Such land may then be available for reassignment.

Upon the death of any Indian holding a "home assignment" his heirs or other individuals designated by him by will or written request shall have preference in the reassignment of the land, provided such persons are eligible to receive a "home assignment."

SEC. 3. Any member of the Rosebud Tribe who owns an allotment of land or any share in heirship land or any deeded land, may, with the approval of the Secretary of the Interior, voluntarily transfer his interest in such land, including or excluding mineral rights therein, to the tribe and receive therefor an assignment in the same land or other land of equal value or he may receive a proportionate share in a unit of grazing land.

Assignments made under this section shall be known as "exchange assignments."

SEC. 4. A member receiving an "exchange assignment" shall receive the right to lease such assigned lands or interests under the same terms as governing the leasing of allotments.

SEC. 5. Upon the death of a holder of an "exchange assignment", such lands shall be reassigned by the tribal council to his heirs or devisees, subject to the following conditions.

(a) Such lands may not be reassigned to any heir or devisee who is not a member of the Rosebud Tribe, except that a life assignment may be made to the surviving spouse or child of the holder of such assignment.

(b) Such lands may not be reassigned to any heir or devisee who already holds more than 1920 acres of land on the reservation. [Amendment No. IV, effective June 19, 1962.]

(c) Such lands may not be subdivided into units too small for pratical use. No area of grazing land shall be subdivided into units smaller than one hundred sixty (160) acres. No area of agricultural land shall be subdivided into smaller units than two and one-half (2½) acres. When interests in assignments shall involve smaller areas than the amounts herein set out, the tribal council may issue to such heir or devisee a proportionate share in other grazing units or other interests in land of equal value.

(d) If there are no eligible heirs or devisees of the decedent, the land shall be eligible for reassignment the same as other tribal lands.

SEC. 6. Improvements of any character made upon assigned land may be willed to and inherited by members of the Rosebud Tribe. When improvements are made possible of fair division, the tribal council shall dispose of them under such regulations as it may provide. No permanent improvements may be removed from any tribal or assigned land without the consent of the tribal council.

SEC. 7. No member of the Rosebud Tribe may use or occupy tribal land except under assignment or lease.

SEC. 8. Unassigned land shall be managed by the tribal council for the benefit of the members of the entire tribe.

SEC. 9. Tribal funds may be used, with the consent of the Secretary of the Interior, to acquire land for the Rosebud Tribe.

SEC. 10. Applications for assignments of lands shall be made in writing. Such applications shall be submitted to the council at regular or special sessions. The application will be placed in the hands of a proper committee who will call the matter up for action at the next regular meeting of the council. Any member of the tribe may object in writing, to a proposed assignment. In the event of objection, the chairman of the council shall set a date for a hearing, advising both the applicant and the objector. The action of the council shall be final.

The secretary of the council shall furnish the superintendent or other officer in charge of the agency a complete record of all action taken by the council on applications for assignment of land, and a complete record of assignments shall be kept in the agency office and shall be open for inspection by members of the tribe.

The council shall draw up one or more forms for standard and exchange assignments, which shall be subject to the approval of the Secretary of the Interior.

ARTICLE IX - AMENDMENTS

This constitution and by-laws may be amended by a majority vote of the qualified voters of the Rosebud Sioux Tribe voting at an election called for that purpose by the Secretary of the Interior, provided that at least thirty (30) per cent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment, upon receipt of a written resolution signed by at least three-fourths (3/4) of the membership of the council.

ARTICLE X - BILL OF RIGHTS

SECTION 1. All members of the tribe and all Indians on the reservation shall enjoy without hindrance freedom of religion, speech, press, assembly, conscience and association.

SEC. 2. Any Indian on the reservation accused of any offense shall have the right to a speedy and public trial and to be informed of the nature and cause of the accusation, and to be confronted with witnesses against him. Any Indian accused of any offense shall have the right to the assistance of counsel and to demand trial by jury. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

SEC. 3. No person shall be subject for the same offense to be twice put in jeopardy; nor be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor be denied equal protection of law.

[Adopted by Amendment No. XI, effective May 2, 1966.]

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BY-LAWS OF THE ROSEBUD SIOUX TRIBE OF SOUTH DAKOTA

ARTICLE I - DUTIES OF OFFICERS

SECTION 1. The president shall manage and administer the affairs of the tribe, including the supervision of tribal employees, subject to the resolutions, ordinances and instructions of the tribal council. The president shall preside at all meetings of the tribal council. He shall vote only in case of a tie. [Amendment No. XII, effective May 2, 1966.]

SEC. 2. The vice-president shall assist the president when called upon to do so, and, in the absence of the president, he shall preside. When so presiding, he shall have all the rights, privileges, duties, as well as the responsibilities, of the president. The vice-president shall not have a vote except in case of a tie when acting as president under Section 1 of this Article. [Amendment No. XIII, effective May 2, 1966.]

SEC. 3. The council secretary shall keep a full report of all proceedings of each regular and special meeting of the tribal council and shall perform such other duties of like nature as the council shall from time to time by resolution provide, and shall transmit copies of the minutes of each meeting to the council, to the superintendent of the reservation, and to the Commissioner of Indian Affairs.

SEC. 4. The council treasurer shall be the custodian of all moneys which come under the jurisdiction or in control of the Rosebud Sioux Tribal Council. He shall pay out money in accordance with the orders and resolutions of the council. He shall keep account of all receipts and disbursements and shall report the same to the council at each regular meeting. He shall be bonded in such an amount as the council by resolution shall provide, such bond to be satisfactory to the Commissioner of Indian Affairs. The books of the council treasurer shall be subject to audit or inspection at the discretion of the council or of the Commissioner.

ARTICLE II - DUTIES OF COUNCILMEN

It shall be the duty of each member of the tribal council to make reports to the community from which he was elected concerning the proceedings of the tribal council.

ARTICLE III - OATH OF OFFICE

Each member of the tribal council and each officer or subordinate officer, elected or appointed hereunder shall take an oath of office prior to assuming the duties thereof; by which oath, he shall pledge himself to support and defend the Constitution of the United States and this constitution and by-laws. (Oath): I, -------------------, do hereby solemnly swear that I will support and defend the Constitution of the United States against all enemies, will carry out, faithfully, and impartially, the duties of my office to the best of my ability; and will cooperate, promote and protect the best interests of my tribe, the Rosebud Sioux, in accordance with this constitution and by-laws.

ARTICLE IV - SALARIES

SECTION 1. The tribal council may prescribe such salaries of tribal officers, employees, or member of the council as it deems advisable from such funds as may be available.

SEC. 2. No compensation shall be paid to any councilman, president, vice-president, secretary, treasurer, tribal council, or any officer out of the tribal funds under the control of the Federal Government, except upon a resolution stating the amount of compensation and the nature of services rendered, and said resolution shall be of no effect until approved by the Secretary of the Interior.

ARTICLE V - MEETINGS OF COUNCIL

SECTION 1. Regular meetings of the council shall be four (4) in each year, and shall be held in January, April, July, and October, on such days in said months and at such places as the council by resolution shall provide. Two-thirds (2/3) of the duly elected members must be present to constitute a quorum. Special meetings may be called by the president, the superintendent of the reservation, or by a majority of the councilmen in writing, and when so called, two-thirds (2/3) of said councilmen must be present to constitute a quorum and the council shall have power to transact business as in regular meetings.

SEC. 2. A designated room or place shall be set aside for the tribal council, where all records and tribal council property shall be kept.

ARTICLE VI - SIOUX COUNCILS

The tribal council shall have the power to select delegates to sit in National Sioux Councils.

ARTICLE VII - ADOPTION OF CONSTITUTION AND BY-LAWS

This constitution and by-laws, when ratified by a majority of the qualified voters of the Rosebud Sioux Tribe voting at a special election called for the purpose by the Secretary of the Interior, provided that at least 30 percent of those entitled to vote shall vote in such election, shall be submitted to the Secretary of the Interior, and, if approved, shall be effective from date of approval.

***

CERTIFICATION OF ADOPTION

Pursuant to an order, approved November 1, 1935, by the Secretary of the Interior, the attached constitution and by-laws were submitted for ratification to the members of the Rosebud Sioux Tribe of the Rosebud Reservation and were on November 23, 1935, duly approved by a vote of 992 for and 643 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (Public, No. 147, 74th Cong.).

GEORGE KILLS IN SIGHT,
Chairman of Election Board

GEORGE WHIRLWIND SOLDIER,
Vice Chairman of Rosebud Sioux
Tribal Council

WALLACE A. MURRAY,
Secretary of Rosebud Sioux Tribal Council

W. O. Roberts,
Superintendent.

***

I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached constitution and by-laws of the Rosebud Sioux Tribe.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said constitution and by-laws are hereby declared inapplicable to the Rosebud Sioux Tribe.

All officers and employees of the Interior Department was ordered to abide by the provisions of the said constitution and by-laws.

Approval recommended December 16, 1935.

John Collier,
Commissioner of Indian Affairs.

HAROLD L. ICKES,
Secretary of the Interior.
[Seal]

Washington, D.C., December 20, 1935.

***

AMENDMENTS TO THE CONSTITUTION

Amendment No. I. (Effective June 19, 1962.)

Article IV, Section 1 of the Constitution.

Amend Article IV, Section 1 of the Constitution by striking the phrase "or of the State of South Dakota."

Amendment No. II. (Effective June 19, 1962.)

Article IV, Section 1(c) of the Constitution.

Amend Article IV, Section 1(c) of the Constitution by substituting the following language for the present language:

(c) To purchase and to otherwise acquire lands and other property for or on behalf of the Tribe and to manage, permit, assign, lease, sell, exchange, encumber, or otherwise deal with tribal lands and property as authorized by law, and to prevent the sale, disposition, lease or encumbrance of tribal lands, interests in tribal lands or other tribal assets without the consent of the Tribe; provided, that in leasing tribal land for grazing or agricultural purposes preference shall be given to any member of the Tribe who is the economic head of the family.

Amendment No. III. (Effective June 19, 1962.)

Article VIII, Section 1, 2, 3, and 4 of the Constitution.

Amend Article VIII of the Constitution by repealing Sections 1, 2, 3, and 4 of Article VIII of the Constitution and renumber the remaining sections as required.

Amendment No. IV. (Effective June 19, 1962.)

Article VIII, Section 9 (b).

Amend Section 9(b) of Article VIII to read:

(b) Such lands may not be reassigned to any heir or devisee who already holds more than 1920 acres of land on the reservation.

***

CERTIFICATION OF ADOPTION OF AMENDMENTS I, II, III AND IV TO THE CONSTITUTION

Pursuant to an order approved May 4, 1962, by the Assistant Secretary of the Interior, the foregoing amendments Nos. I, II, III and IV to the Constitution of the Rosebud Sioux Tribe of South Dakota were submitted for adoption to the qualified voters of the Rosebud Sioux Tribe and on May 16, 1962, were duly adopted in an election in which at least 30% of those entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934, 48 Stat. 984, as amended, with the votes on each amendment shown as follows:

Amendment No. I	346	For
	296	Against
Amendment No. II	330	For
	279	Against
Amendment No. III	325	For
	291	Against

Amendment No. IV 301 For
271 Against

/S/ Cato W. Valandra, President
Rosebud Sioux Tribal Council

/S/ Antoine Roubideaux, Secretary
Rosebud Sioux Tribal Council

/S/ Harold W. Schunk, Superintendent
Rosebud Agency

***

APPROVAL BY THE SECRETARY OF THE INTERIOR OF AMENDMENTS TO THE CONSTITUTION NOS. I, II, III AND IV, EFFECTIVE JUNE 19, 1962

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
WASHINGTON, D.C.

June 19, 1962

Through: Area Director, Aberdeen

Dear Mr. Schunk:

In an order issued by this Department on May 4, 1962, you were authorized to hold an election to permit the qualified voters of the Rosebud Sioux Tribe of the Rosebud Sioux Reservation, South Dakota, to express themselves on the adoption or rejection of amendments to the Constitution and By-laws and the Corporate Charter. The amendments to the Constitution and By-laws, approved December 16, 1935, and the Corporate Charter ratified by the Tribe on March 16, 1937, were presented to the tribal voters in an election held May 16, 1962.

It is gratifying to learn from the Certifications of Adoption that the eligible voters, representing at least thirty (30) percent of those entitled to vote, cast their ballots in favor of the amendments. The votes cast on the amendments show the following results.

Constitution and By-laws

Amendment No. I	346 For and 296 Against
Amendment No. II	330 For and 279 Against
Amendment No. III	325 For and 291 Against
Amendment No. IV	301 For and 271 Against

Corporate Charter

Amentment No. I	341 For and 300 Against
Amendment No. II	336 For and 278 Against

Amendment No. III 340 For and 260 Against

Since the Rosebud Sioux tribal members have complied with Article IX of the Tribe's Constitution and with the requirements of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended, the amended tribal constitution and by-laws is hereby approved to be effective as of the date of this approval. The amendments to the Corporate Charter, approved in our letter of May 4, 1962, and ratified by the Tribe pursuant to Sections 10 and 11 of the Corporate Charter and Section 17 of the Act of June 18, 1934 (48 Stat. 984), as amended became effective on May 16, 1962, the date of tribal ratification.

The amendments to the Constitution and By-laws and the Corporate Charter of the Tribe, to which have been affixed the seal of this Department, are returned for your safekeeping.

Sincerely yours,

June 19, 1962 Sgd/ STEWART L. UDALL
Secretary of the Interior

Sgd/ Mr. Harold W. Schunk
Superintendent, Rosebud Agency
Rosebud, South Dakota

Noted and transmitted: July 3, 1962

Sgd/ MARTIN N. B. HOLM
Area Director

Noted and transmitted: July 27, 1962

Sgd/ HAROLD W. SCHUNK
Superintendent

***

RESOLUTION NO. 6323 AMENDING ARTICLE III, SECTION 2 OF THE CONSTITUTION

BE IT RESOLVED, that pursuant to the powers vested in the Tribal Council under Article III, Section 3 of the Constitution of the Rosebud Sioux Tribe, Article III, Section 2 of the Constitution be, and the same is, hereby amended by eliminating the White Thunder, Little Crow, Ponca and Upper Ponca communities from the list of communities set forth in Article III, Section 2, by adding to the list Antelope, Milk's Camp and Rosebud as new communities and by setting forth the list of communities, as amended, in alphabetical order as follows:

1. Antelope
2. Bad Nation
3. Black Pipe
4. Bull Creek
5. Butte Creek
6. Corn Creek
7. Grass Mountain
8. He Dog

12. Okreek
13. Parmelee
14. Ring Thunder
15. Rosebud
16. St. Francis
17. Soldier Creek
18. Spring Creek
19. Swift Bear

9. Horse Creek
10. Ideal
11. Milk's Camp
20. Two Strike
21. Upper Cut Meat

In support of the foregoing amendment, the Tribal Council finds and determines as follows:

1. The communities now listed in Article III, Section 2 of the Constitution reflected the situation in 1935, when the Constitution was adopted. Since that time there have been shifts in population and population centers, stemming from changes in the economy and related factors, resulting in changes in communities. To permit fair representation on the Tribal Council and to endeavor to bring into balance the value of the individual votes, reapportionment is essential.

ELIMINATED COMMUNITIES

2. White Thunder. This community has been inactive for many years and has not had a representative on the Tribal Council for at least ten years. The people who formerly lived in White Thunder now exercise their vote in surrounding communities, and have no status as a distinct community. The proposed amendment recognizes this fact.

3. Little Crow. The population of this community declined to about three families and those families vote in the Okreek District. This district has not had a representative on the Tribal Council for over ten years.

4. Ponca and Upper Ponca. Under the proposed amendment these two communities have been combined and renamed "Milk's Camp." The reason for this action is because of the reduced population.

NEW COMMUNITIES

5. Antelope. Since the Constitution was adopted, a substantial number of people have moved into the area surrounding the town of Mission and there is a need for representation of these people on the Tribal Council. This area is embraced within the new Antelope community. It has an Indian population of about 400 people.

6. Milk's Camp. This community, as explained above, represents the consolidated Ponca and Upper Ponca communities. It is the wish of the people in the consolidated community that the name "Milk's Camp" be adopted to honor Chief Milk, who formerly lived there. The name, Ponca, has no special significance to the people and it is objectionable because of confusion with another Tribe.

7. Rosebud. This is the Agency community. Since the Constitution was adopted in 1935, it has substantially grown in population. As a result, there areabout 300 members of the Tribe in the Rosebud Community who have no representation on the Tribal Council as a community. Under the new re-alignment they would have independent reprepresentation.

It is respectfully urged that the Secretary of the Interior approve this resolution in accordance with Article II, Section 3, of the Constitution.

***

CERTIFICATION

The undersigned President and Secretary of the Rosebud Sioux Tribal Council do hereby certify that the forthgoing resolution above is a true and correct copy of the resolution and was duly passed by a vote of 20 for, none opposed, 1 member excused, and Chairman not voting, at a legally convened special meeting of the Rosebud Sioux Tribal Council held March 27, 1963. The resolution is subject to approval by the Secretary of Interior in accordance with Section 3, Manner of Review, of Article IV of the Constitution and By-laws of the Rosebud Sioux Tribe.

Cato W. Valandra, President
Rosebud Sioux Tribal Council

ATTEST:
Antoine Roubideaux, Secretary
Rosebud Sioux Tribal Council

***

APPROVAL OF RESOLUTON NO. 6323

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
WASHINGTON, D. C.

Through: Area Director, Aberdeen

Dear Mr. Valandra:

By letter of April 15, the Aberdeen Area Office forwarded to the Commissioner of Indian Affairs Resolution No. 6323 enacted by the Rosebud Sioux Tribal Council at a special meeting convened on March 27, 1963. The resolution modifies the reservation communities designated in Section 2 of Article III of the Tribe's Constitution and By-laws. The Tribal Council enactment, pursuant to Section 3 of said Article, eliminates the (1) White Thunder, (2) Little Crow, (3) Ponca and (4) Upper Ponca Communities, and designates new communities identified as (1) Antelope, (2) Milk's Camp, and (3) Rosebud Communities. Under the redesignation the communities on the Rosebud Reservation are as follows:

1. Antelope
2. Bad Nation
3. Black Pipe
4. Bull Creek
5. Butte Creek
6. Corn Creek
7. Grass Mountain
8. He Dog
9. Horse Creek
10. Ideal
11. Milk's Camp
12. Okreek
13. Parmelee
14. Ring Thunder
15. Rosebud
16. St. Francis
17. Soldier Creek
18. Spring Creek
19. Swift Bear
20. Two Strike
21. Upper Cut Meat

Shifting of Indian populations within reservation communities is a matter which demands close and continual study by tribal governing bodies in order to provide proper representation, and the Rosebud Sioux Tribal Council is commended for the action it has taken to maintain equitable representation.

Resolution No. 6323, however, does not designate where the residents of two of the eliminated communities, White Thunder and Little Crow, shall cast their ballots in tribal elections. To avoid any questions in the future, Resolution No. 6323 redesignating the communities on the Rosebud Reservation is approved subject to Tribal Council enactment of a resolution designating the communities the residents of White Thunder and Little Crow communities shall vote. The approval of the redesignation of the reservation communities shall be effective on the date of enactment of the resolution requested in this conditional approval. The original and two copies of the resolution should be furnished this Office.

One copy of Resolution No. 6323 is returned.

Sincerely yours,

S/ John A. Carver, Jr.
Assistant Secretary of the Interior

Mr. Cato Valandra
President, Rosebud Sioux Tribal Council

Noted and Transmitted; May 14, 1963

MARTIN N. B. HOLM
Area Director

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RESOLUTION NO. 6328 SATISFYING CONDITION OF APPROVAL

RESOLUTION NO. 6328

A Resolution relating to voters of eliminated communities of Little Crow and White Thunder.

WHEREAS, by Resolution No. 6323, adopted March 27, 1963, White Thunder and Little Crow Communities were eliminated from the list of communities set forth in Article III, Section 2 of the Constitution; and WHEREAS, it is desirable that there be no uncertainty as to where the qualified voters in the eliminated communities of White Thunder and Little Crow should cast their ballots;

NOW THEREFORE BE IT RESOLVED, that eligible voters of the Tribe who formerly lived in White Thunder Community or Little Crow Community, shall cast their ballots in the community set forth in Article III, Section 2 of the Constitution, in which they now reside; and

BE IT FURTHER RESOLVED, that any eligible voters of the Tribe now residing within the eliminated community of White Thunder shall cast their ballots in Butte Creek Community, and any eligible voters of the Tribe now residing in the eliminated community of Little Crow shall cast their ballots in Okreek Community.

CERTIFICATION OF ADOPTION

This is to certify that the foregoing resolution above was duly adopted by a vote of 17 for, none opposed, 4 members not voting and 1 member absent in special session of the Rosebud Sioux Tribal Council, convened May 16, 1963.

Cato W. Valandra, President
Rosebud Sioux Tribal Council

ATTEST:
Antoine Roubideaux, Secretary
Rosebud Sioux Tribal Council

***

AMENDMENTS TO THE CONSTITUTION

Amendment No. V. (Effective May 2, 1966.)

Article II, Section 1 of the Constitution.

Amend Article II, Section 1 of the Constitution by amending subsection (b) and adding a new subsection (c) as follows:

(b) All persons born after April 1, 1935, and prior to the effective date of this amendment, to any member of the Rosebud Sioux Tribe who was a resident of the reservation at the time of the birth of said persons.

(c) All children of one-fourth or more Rosebud Sioux Indian blood born after the effective date of this amendment to a member of the tribe, regardless of the residence of the parent.

Amendment No. VI. (Effective May 2, 1966.)

Article III, Sections 2, 5, 6, 7, and 10 of the Constitution.

Amend Article III, Section 2 by striking the first sentence and substituting the following:

SEC. 2. The president and vice-president of the tribe, shall be elected at large for a term of two years. All other members of the council shall be elected for terms of two years. All elections shall be by secret ballot.

Amend Article III, Sections 5, 6, 7 and 10 to read as follows:

SEC. 5. [The text is the same as set out in the Constitution.]

SEC. 6. [The text is the same as set out in the Constitution.]

SEC. 7. [The text is the same as set out in the Constitution.]

SEC. 10. [The text is the same as set out in the Constitution.]

Amendment No. VII. (Effective May 2, 1966.)

Article III, Section 9 of the Constitution.

Amend Article III, Section 9 of the Constitution by striking the last sentence thereof, which presently reads as follows:

> Thereafter the membership of the various communities shall be determined by the communities, subject to review by the tribal council.

Amendment No. VIII. (Effective May 2, 1966.)

Article IV, Section 2 of the Constitution.

Amend Article IV, Section 2 of the Constitution by substituting the following language for the present language:

SEC. 2. Manner of Review. Any ordinance or resolution which, by the terms of this constitution, is subject to review by the Secretary of the Interior, shall be presented to the superintendent of the reservation, who shall, within ten (10) days thereafter, approve or disapprove the same.

If the superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may, within ninety (90) days from the date of its receipt by the Superintendent, rescind the said ordinance or resolution for any cause, by notifying the reservation council of such decision.

If the superintendent shall refuse to approve any ordinance or resolution within ten (10) days after its receipt by him, he shall advise the Rosebud Sioux Council of his reasons therefor. If these reasons appear to the council insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within ninety (90) days from the date of its receipt by him, approve or disapprove the same in writing.

Amendment No. IX. (Effective May 2, 1966.)

Article VI, Section 1 of the Constitution.

Amend Article VI, Section 1 of the Constitution to read as follows:

SECTION 1. Any enrolled member of the Rosebud Sioux Tribe, at least twenty-one (21) years of age, who has resided for at least ninety (90) days immediately prior to the election day in the community in which he anticipates to vote, is qualified to vote.

Amendment No. X. (Effective May 2, 1966.)

Article VI, Section 2 of the Constitution.

Amend Article VI, Section 2 of the Constitution by deleting Section 2 in its entirety.

Amendment No. XI. (Effective May 2, 1966.)

A new Article to the Constitution as follows:

ARTICLE X - BILL OF RIGHTS

SECTION 1. All members of the tribe and all Indians on the reservation shall enjoy without hindrance freedom of religion, speech, press, assembly, conscience and association.

SEC. 2. Any Indian on the reservation accused of any offense shall have the right to a speedy and public trial and to be informed of the nature and cause of the accusation, and to be confronted with witnesses against him. Any Indian accused of any offense shall have the right to the assistance of counsel and to demand trial by jury. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

SEC. 3. No person shall be subject for the same offense to be twice put in jeopardy; nor be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor be denied equal protection of law.

Amendment No. XIII. (Effective May 2, 1966.)

Article I, Section 1 of the By-Laws.

Amend Article I, Section 1 of the By-Laws to read as follows:

SECTION 1. The president shall manage and administer the affairs of the tribe, including the supervision of tribal employees, subject to the resolutions, ordinances and instructions of the tribal council. The president shall preside at all meetings of the tribal council. He shall vote only in case of a tie.

Amendment No. XIII. (Effective May 2, 1966.)

Article I, Section 2 of the By-Laws to read as follows:

SEC. 2. The vice-president shall assist the president when called upon to do so, and, in the absence of the president, he shall preside, When so presiding, he shall have all the rights, privileges, duties, as well as the responsibilities, of the president. The vice-president shall not have a vote except in case of a tie when acting as president under Section 1 of this Article.

***

CERTIFICATION OF ADOPTION OF AMENDMENTS NOS. V, VI, VII, VIII, IX, XI, XII, AND XIII TO THE CONSTITUTION AND BY-LAWS

Pursuant to an order approved December 10, 1965 by the Under Secretary of the Interior, the foregoing amendments Nos. V, VI, VII, VIII, IX, X, XI, XII, and XIII to the Constitution and By-laws of the Rosebud Sioux Tribe of South Dakota were submitted for adoption to the qualified voters of the Rosebud Sioux Tribe and on January 4, 1966, were duly adopted in an election in which at least 30% of those entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934, 48 Stat. 984, as amended, with the votes on each amendment shown as follows:

Amendment No. V	702	For
	552	Against
Amendment No. VI	820	For
	455	Against

Amendment No. VII	737	For
	525	Against
Amendment No. VIII	756	For
	476	Against
Amendment No. IX	814	For
	446	Against
Amendment No. X	757	For
	496	Against
Amendment No. XI	833	For
	417	Against
Amendment No. XII	750	For
	500	Against
Amendment No. XIII	803	For
	443	Against

/S/ Cato W. Valandra, President
Rosebud Sioux Tribal Council

/S/ Antoine Roubideaux, Secretary
Rosebud Sioux Tribal Council

/S. Harold W. Schunk, Superintendent
Rosebud Agency

***

APPROVAL BY THE ASSISTANT SECRETARY OF THE INTERIOR OF AMENDMENTS TO THE CONSTITUTION, NOS. V, VI, VII, VIII, IX, X, XI, XII, XIII, EFFECTIVE MAY 2, 1966

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
WASHINGTON, D.C.

May 2, 1966

Through: Area Director, Aberdeen, South Dakota

Dear Mr. Schunk:

We have received the results of an election held on January 4 by the qualified voters of the Rosebud Sioux Tribe. The election was called in accordance with Departmental order approved December 10, 1965, to permit the qualified voters of the Rosebud Sioux Tribe to vote on nine proposed amendments to the Constitution and By-laws of the Rosebud Sioux Tribe, South Dakota.

As evidenced by the Certificate of Results of Election, signed by you and other members of the election board, proposed Amendments V through XIII were duly adopted by the voters of the tribe.

Amendments V through XIII, as approved, are hereby returned for delivery to the Rosebud Sioux Tribe.

Sincerely yours,

[?]. R. Anderson
Assistant Secretary of the Interior

Mr. Harold W. Schunk
Superintendent, Rosebud Agency
Rosebud, South Dakota

Transmitted: May 12, 1966

MARTIN N. B. HOLM
Area Director

***

REVISED CONSTITUTION AND BY-LAWS OF THE SISSETON-WAHPETON SIOUX TRIBE OF SOUTH DAKOTA

Approved August 26, 1966

Preamble

We, the Sisseton-Wahpeton Sioux Tribe, in order to form a better tribal government, exercise tribal rights and responsibilities and promote the welfare of the people, do hereby establish this Revised Constitution and By-laws.

ARTICLE I - JURISDICTION

The jurisdiction of the Sisseton-Wahpeton Sioux Tribe shall extend to lands lying in the territory within the original confines of the Lake Traverse Reservation as described in Article III of the Treaty of February 19, 1867.

ARTICLE II - MEMBERSHIP

SECTION 1. The membership of the Sisseton-Wahpeton Sioux Tribe shall consist of:

(a) All persons of Indian blood whose names appear on the official census roll of the tribe as of January 1, 1940, which shall be the basic tribal membership roll. Corrections may be made in this roll by the tribal council, with the approval of the Secretary of the Interior.

(b) All persons of Indian blood born after January 1, 1940, the date of the basic membership roll, and prior to October 16, 1946, the date of approval of the original constitution, to members of the tribe.

(c) Children born on or after October 16, 1946, the date of approval of the original constitution, and prior to December 21, 1959, to members of the tribe who were residents of the Lake Traverse Reservation at the time of the birth of said children.

(d) All persons of one-eight (1/8) degree or more Sisseton-Wahpeton Sioux Indian blood born to members on or after December 21, 1959.

SEC. 2. The tribal council shall have the power to promulgate ordinances, subject to the approval of the Secretary of the Interior, governing future membership, and the adoption of new members.

ARTICLE III - ORGANIZATION

SECTION 1. The Sisseton-Wahpeton Sioux Tribe shall be governed by a tribal council consisting of seven councilmen and three officers. One councilman shall be elected from the Veblen, Enemy Swim, Big Coulee, Old Agency, Lake Traverse, Long Hollow and Buffalo Lake districts. A chairman, a secretary and a treasurer of the tribal council shall be elected at large, which officers shall constitute an executive committee.

SEC. 2. The executive committee, in formal session, shall have the power to speak and act for the tribe when the tribal council is not in session and to carry in to effect all properly enacted resolutions and ordinances of the tribal council and to appoint any boards, committees, or associations necessary to the transaction of tribal business. The tribal council shall review any action taken by the executive committee not delegated to it either in this Revised Constitution or in the enactments of the tribal council. The review shall be limited only to the next meeting of the tribal council following notification of the action of the executive committee.

SEC. 3. Members of the tribal council shall hold office for a term of two (2) years commencing on the date of the first regular meeting in January of each off numbered year and until their successors have been elected and seated.

SEC. 4. There shall be a general council composed of the enrolled members of the tribe 21 years of age and over. A quorum for a general council shall be at least ten (10) percent of the eligible members. It shall be the duty of the tribal council to call and notice, at least once in each calendar year, a general council meeting. The general council may be convened only by action of the tribal council. At each general council meeting, the tribal council, all tribal committees, associations, and organizations shall present a report on the past year's activities, and, insofar as it is possible, explain the proposed programs for the ensuing year.

ARTICLE IV - DISTRICT ORGANIZATION

SECTION 1. There shall be seven (7) deliberate district councils, viz: (1) Veblen, (2) Long Hollow, (3) Buffalo Lake, (4) Enemy Swim, (5) Big Coulee, (6) Old Agency, and (7) Lake Traverse.

SEC. 2. Each district council shall consist of the adult members of the tribe registered on a district voting roster which will be maintained by the district secretary.

SEC. 3. The tribal councilman elected from each district shall call a district election in January of odd numbered years to elect for the district: (1) a chairman; (2) a vice-chairman; (3) a secretary; (4) a treasurer; and such other officers and committees as may be deemed necessary.

SEC. 4. Each district shall manage its own local affairs, but any matters involving more than one district shall be decided by the tribal council. It shall be the function of the district councils to advise and make recommendations to the tribal council.

ARTICLE V - NOMINATIONS AND ELECTIONS

SECTION 1. The first election of the tribal council under this Revised Constitution shall be called, held, and supervised by the present tribal council within 120 days after its approval. Successful candidates at this first election shall assume office when duly seated at the regular January 1967 meeting of the Council. Where more than 2 members have filed for an office, a primary election shall be held at least 30 days prior to the general election. Only the two candidates for each office receiving the most votes at such primary election or convention shall be eligible to run for office in the general election. Where no more than two members have filed for an office, a primary election will be unnecessary.

SEC. 2. Any qualified registered member of the Sisseton-Wahpeton Sioux Tribe 21 years of age or over may announce his candidacy for the tribal council by notifying the secretary of the tribal council in writing of his candidacy at least forty-five (45) days prior to the election. It shall be the duty of the secretary to post at least ten (10) days before the primary election the names of all qualified candidates who have met this requirement. Notice of all elections shall be given as prescribed by ordinance.

(a) Candidates for tribal council officers shall file for the office of their choice at least sixty (60) days before the general election.

(b) One councilman shall be elected from each of the seven (7) voting districts.

(c) No person may be a candidate for more than one office.

SEC. 3. The tribal council, or an election board appointed by the council, shall supervise the maintenance of the district voting rosters and shall determine rules and regulations governing elections, including absentee voting, qualifications for office, election dates and recall elections. The tribal council shall certify to the election of members after the election has been held.

SEC. 4. Any enrolled member of the Sisseton-Wahpeton Sioux Tribe who is 21 years of age or over, on the date of election, shall be entitled to vote in the district in which he is registered.

SEC. 5. Members of the tribe shall register, vote and hold office in the district of their residence, or if they are non-residents, in the district of their former residence, or if they never were residents, in the district of their choice. Tribal members who have never been residents, registering in the district of their choice, cannot change their voting district unless duly authorized to do so by the tribal council.

ARTICLE VI - VACANCIES, REMOVAL AND RECALL FROM OFFICE

SECTION 1. If a councilman or officer shall die, resign, or be removed from office for cause, the tribal council shall declare the position vacant and appoint a person to fill the vacancy, provided the appointment of any councilman shall be made from the appropriate district council or from the reservation at large in the case of a member of the executive committee.

SEC. 2. Any councilman or officer who is proven guilty of improper conduct or gross neglect of duty may be removed from the tribal council by a vote of 6 council members, provided that the member shall be given full opportunity to reply to any and all charges at a designated council meeting; and provided further that the member shall have been given a written statement of the charges against him at least five (5) days before the meeting at which he is to be given an opportunity to reply. The councilman or officer found guilty of improper action shall not vote on his own removal.

SEC. 3. The voters of any district, by petition signed by ten (10) percent of the eligible voters in the district, may request the recall of its district councilman for improper conduct. The recall of members of the executive committee may be requested by a petition signed by twenty (20) percent of the eligible voters from the whole reservation. The tribal council shall hold a special election on all such recall petitions. Any resulting vacancies shall be filled under Section 1 of this Article. No more than one recall election for each councilman or officer shall be held for each term of office.

SEC. 4. Any councilman or officer who fails to attend three (3) successive monthly meetings without excuse, shall be considered to have resigned his office. The tribal council shall then declare the position vacant and fill the vacancy pursuant to the provisions of Section 1 of this Article.

ARTICLE VII - POWERS

SECTION 1. The tribal council shall have the following powers which may be exercised pursuant to this Revised Constitution and any applicable Federal statutes or regulations.

(a) To represent the tribe in all negotiations with Federal, State and local governments and to advise and consult with representatives of the Department of the Interior on all matters affecting the tribe.

(b) To acquire, own, use, manage, lease, and otherwise encumber, and to dispose of tribal property, both real and personal, wherever situated.

(c) To engage in any business not contrary to State law that will further the economic development of the tribe and its members, and to use tribal funds or other resources for such purposes.

(d) To make rules governing the relationship of the members to the tribe, to tribal property, and to one another as members of the tribe, and to assess fees of members to effectuate tribal purposes.

(e) To hire employees and agents, including legal counsel, directly or as independent contractors, and to compensate them for their services. The choice of counsel and fixing of fees to be subject to approval of the Secretary of the Interior, so long as such approval is required by Federal law.

(f) To deposit tribal funds to the credit of the tribe, without limitation of the amount in any account, in any National or State Bank whose deposits are insured by an agency of the United States, and to invest and re-invest tribal funds in any security authorized by the laws of the State of South Dakota or the District of Columbia for trust investments, and in addition, to invest and re-invest tribal funds in any security issued by a company in which the tribe has a majority or greater interest.

(g) To take any action by ordinance, resolution or otherwise which are reasonably necessary, through committees, boards, agents or otherwise, to carry into effect the foregoing purposes and to add such further powers, as may be permitted by law, through appropriate amendment to this Revised Constitution.

(h) To promote public health, education, charity, and such other services as may contribute to the social advancement of the members of the Sisseton-Wahpeton Sioux Tribe.

(i) To adopt resolutions regulating the procedures of the tribal council, its officials and committees in the conduct of tribal affairs.

(j) (i) No authorities contained in this Revised Constitution may be delegated by the tribal council to tribal officials, district councils, or associations to carry out any function for which the tribal council assumes primary responsibility, except by ordinance or resolution duly enacted by the tribal council in legal session, and excepting also those specific requirements contained in the by-laws of the Sisseton-Wahpeton Sioux Tribe.

(ii) The tribal council is hereby authorized to recognize any district committees, associations or other organization open to the members of the Sisseton-Wahpeton Sioux Tribe and to approve such organizations, subject, however, to the provision that no such committee, association or organization may assume authorities specifically granted to the tribal council unless by a proper delegation of authority by the tribal council.

SEC. 2. Manner of Review. Any ordinance or resolution which may be subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the Reservation, who shall, within ten days after receipt, approve or disapprove the same. If the Superintendent shall approve said ordinance or resolution, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may, within 90 days from the date of receipt, rescind the said ordinance or resolution for any cause by notifying the tribal council of such decision. If the Superintendent shall refuse to approve any ordinance or resolution, he shall within 10 days after its receipt advise the Sisseton-Wahpeton Sioux Tribal Council of his reasons therefor. If these reasons appear to the council insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within 90 days from the date of its receipt, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

ARTICLE VIII - MEETINGS

SECTION 1. The tribal council shall meet regularly on the first Tuesday of each month, or upon call of the chairman of the tribal council. It shall be the duty of the chairman to call a special meeting upon request of a majority of the council.

SEC. 2. At any meeting of the tribal council, six (6) voting members of the council present shall constitute a quorum.

SEC. 3. The executive committee shall meet upon call of the chairman. At any meeting of the executive committee, two (2) members shall constitute a quorum.

ARTICLE IX - BILL OF RIGHTS

SECTION 1. All members of the Sisseton-Wahpeton Sioux Tribe shall be accorded equal political rights and equal opportunities to participate in the economic resources and activities of the tribe, and no person shall be denied freedom of conscience, speech, association or assembly, or due process of law, or the right to petition for the redress of grievances. The members of the tribe shall continue undisturbed in their religious beliefs and nothing in this Revised Constitution and By-laws will authorize either the tribal council or the general council to interfere with these traditional religious practices according to their custom.

ARTICLE X - INITIATIVE AND REFERENDUM

SECTION 1. Any matter of concern to the tribe not previously considered or acted upon by the tribal council may be presented for action by the tribal council or vote of the qualified voters, provided a petition signed by at least ten (10) percent of the qualified voters of the tribe and setting forth the matter to be considered is filed with the chairman. The tribal council shall consider the matter presented in the petition at its next regular or special meeting. If the tribal council fails to act or disapprove the matter within ninety (90) days after filing of a proper petition with the chairman, it shall be put to a vote at the next meeting of the general council or shall appear on the ballot at the next general election, whichever occurs first. The vote of a majority of the qualified voters voting on the issue shall be conclusive and binding upon the tribal council.

SEC. 2. Upon the filing of a petition with the chairman of the tribal council, signed by at least ten (10) percent of the eligible voters of the Sisseton-Wahpeton Sioux Tribe within 60 days of the anactment or upon the request of a majority of the members of the tribal council within a like period, any enacted ordinance or resolution of the tribal council shall be submitted by the tribal council to a popular referendum, such referendum to be called and held within 30 days of the date of filing or request. The vote of a majority of the qualified voters voting in such referendum shall be conclusive and binding on the tribal council.

ARTICLE XI - AMENDMENTS

SECTION 1. This Revised Constitution and By-laws may be amended by a majority vote of the qualified voters of the tribe voting at an election called for that purpose by the Commissioner of Indian Affairs, provided at least thirty (30) percent of the eligible voters shall vote in such election. It shall be the duty of the Commissioner of Indian Affairs to call an election on any proposed amendment at the request of a majority of the tribal council or upon the presentation of a petition signed by at least ten (10) percent of the qualified voters of the tribe, but no amendment shall become effective until it is approved by the Commissioner of Indian Affairs.

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BY-LAWS OF THE SISSETON-WAHPETON SIOUX TRIBE

ARTICLE I - DUTIES OF OFFICIALS

SECTION 1. Chairman.

(a) He shall preside at all regular and special meetings of the general council, tribal council, and executive committee. The chairman shall be an ex-officio member of all subordinate committees.

(b) He shall have general and active management of the business activities of the tribe except that he shall not act on matters binding the tribe until either the general council, the tribal council, or the executive committee has deliberated and enacted appropriate resolutions or motions.

(c) He shall see that all ordinances and resolutions of both the general council and the tribal council are carried into effect.

(d) He shall sign on behalf of the tribe all official papers when authorized to do so.

(e) He shall give supervision to all other officers and employees of the tribe and see that they carry out their duties.

(f) He shall prepare a report of the activities of the tribal council and shall make this report at each regular meeting of the general council. He shall include in this report all matters within his knowledge which the interest of the tribe may require be brought to its attention.

(g) He shall not vote in either the general council or tribal council except in case of a tie.

(h) It shall be the duty of the chairman to designate who, from the other members of the executive committee, shall preside in his absence. When the chairman refuses or is unable to act, the Secretary shall assume the duties of the chair.

SEC. 2. Secretary.

(a) He shall keep minutes at the principal place of business of the tribe of all meetings of the general council, the tribal council, and the executive committee.

(b) He shall give and serve all notices of the general council and the tribal council as required by this Revised Constitution and By-laws.

(c) He shall keep the membership roll of the tribe, showing all changes as required by this Revised Constitution. In addition, he shall keep a current voting list.

(d) He shall attend to all such correspondence assigned to him by the chairman and perform all other duties of his office or as prescribed by the general council or tribal council.

SEC. 3. Treasurer.

(a) He shall keep and maintain, open to inspection by members of the tribe or representatives of the Commissioner of Indian Affairs, at all reasonable times, adequate and correct accounts of the properties and business transactions of the tribe.

(b) He shall have care and custody of the funds and valuables of the tribe. He shall deposit all funds in the name of and to the credit of the Sisseton-Wahpeton Sioux Tribe with such depository as the tribal council may direct, subject to the approval of the Secretary of the Interior or his authorized representative.

(c) He shall disburse the funds of the tribe as may be ordered by the tribal council, taking properly signed invoices, vouchers or other instruments for said disbursements. All checks shall be countersigned by the chairman or in his absence, his authorized designee.

(d) He shall make a monthly report to the tribal council and account for all transactions involving the disbursement, collection or obligations of tribal funds. He shall make a similar financial report to the general council at its regular meeting.

(e) The treasurer and all officers and employees whose duties involve handling of tribal money or other valuables shall be bonded as required by the tribal council and as approved by the Secretary of the Interior or his duly authorized representative.

(f) The books and records of the treasurer shall be audited at least once each year by a competent auditor employed by the tribal council and at such times as the tribal council or the Commissioner of Indian Affairs may direct.

ARTICLE II - OATH OF OFFICE

Before assuming a position on the tribal council, each member shall subscribe to the following oath or affirmation.

> "I, ______________________, do solemnly swear (or affirm) that I will support the Revised Constitution and By-laws of the Sisseton-Wahpeton Sioux Tribe and the Constitution of the United States, and will faithfully and impartially perform the duties of my office to the best of my ability and will work to promote and protect the best interests of the Indians of the Sisseton-Wahpeton Sioux Tribe, and will assist them in every way within my power toward better citizenship and progress."

ARTICLE III - RATIFICATION

This Revised Constitution and By-laws, if adopted by a majority vote of the qualified voters of the Sisseton-Wahpeton Sioux Tribe voting in an election called for that purpose by the Commissioner of Indian Affairs, in which at least thirty (30) percent of those entitled to vote shall have voted, shall be submitted to the Commissioner of Indian Affairs and if approved by him, shall go into effect upon the date of such approval.

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CERTIFICATION OF RESULTS OF ELECTION

Pursuant to an election authorized by the Acting Commissioner of Indian Affairs on November 26, 1965, the attached Revised Constitution and By-laws of the Sisseton-Wahpeton Sioux Tribe, South Dakota was submitted to the qualified voters of the Sisseton-Wahpeton Sioux Tribe, and was on August 1 and 2, 1966, duly adopted by a vote of 123 for, and 56 against, in an election in which at least 30 percent of the 598 members entitled to vote cast their ballots.

/Sgd/ John Two Stars, Member

/Sgd/ Gabriel Amos, Member

/Sgd/ Baine Wilson, Member
Tribal Election Committee

/Sgd/ Willard LaFromboise, Chairman
Sisseton-Wahpeton Sioux
Tribal Council

/Sgd/ W. P. Hughes, Superintendent
Sisseton Agency

***

APPROVAL

I, Commissioner of Indian Affairs, United States Department of the Interior, do hereby approve the attached Revised Constitution and By-laws of the Sisseton-Wahpeton Sioux Tribe, South Dakota.

/Sgd/ Robert L. Bennett
Commissioner [of Indian Affairs]

Date: August 26, 1966
Washington, D. C.

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CONSTITUTION OF THE STANDING ROCK SIOUX TRIBE OF NORTH DAKOTA AND SOUTH DAKOTA

Approved April 24, 1959

PREAMBLE

We, the members of the Standing Rock Sioux Tribe, of North Dakota and South Dakota, in order to establish a more perfect organization, promote the general welfare, establish justice, insure tranquility, conserve and develop our lands and resources, secure to ourselves and our posterity the blessing of liberty and freedom and in recognition of God Almighty and HIS Divine Providence do ordain and establish this amended constitution for the Standing Rock Sioux Tribe.

ARTICLE I - TERRITORY

The jurisdiction of the Standing Rock Sioux Tribe shall extend to the territory within the boundaries of the Standing Rock Reservation, as defined by the Act of March 2, 1889 (25 State. L. 888) and to such other lands as may be hereafter added thereto under any law of the United States.

ARTICLE II - MEMBERSHIP

The membership of the Standing Rock Sioux Tribe shall consist of all persons of Indian blood who were duly enrolled on the official roll of the Tribe on June 15, 1957, and all persons of Indian blood duly enrolled subsequent to June 15, 1957, in accordance with the ordinances and procedures adopted by the Standing Rock Sioux Tribal Council pursuant to Article IV, Section 1 "r" of this Constitution; provided that any person who is rejected for enrollment as a member of the Standing Rock Sioux Tribe shall have the right to appeal to the Secretary of the Interior from the decision of the Standing Rock Sioux Tribal Council, and the decision of the Secretary of the Interior shall be final, and provided further that prior to the distribution of any tribal assets to the members of the Tribe, the membership roll shall be approved by the Secretary of the Interior.

ARTICLE III - GOVERNING BODY

SECTION 1. The governing body of the Standing Rock Sioux Tribe shall be known as the Standing Rock Sioux Tribal Council.

SEC. 2. The Tribal Council shall consist of a Chairman elected at large and two councilmen from each of the following districts:

1. Agency
2. Porcupine
3. Kenel
4. Wakpala
5. Little Eagle
6. Bullhead
7. Canon Ball

SEC. 3. Each member of the Tribal Council shall be elected, by secret ballot, for a term of two years, as provided in Article V, Sections 3 and 4, hereof.

SEC. 4. Any enrolled member of the Standing Rock Sioux Tribe twenty-five (25) years of age or over, shall be qualified to seek and hold membership on the Tribal Council, provided (1) that a candidate for Chairman of the Tribal Council must have been living on the reservation for at least one year next preceding the date of the election, (2) that a candidate for Councilman, must have been living in the district which he seeks to represent for at least one year next preceding the date of election, (3) that he has not been convicted of a felony, dishonorably discharged from the Armed Forces, nor has been found guilty by the Tribal Council of misconduct in tribal affairs, (4) that he is not employed by the Bureau of Indian Affairs, and (5) that he is not delinquent on any financial obligation to the Tribe, either as maker or guarantor.

SEC. 5. The Tribal Council shall be the sole judge of the qualifications for membership on the Tribal Council.

SEC. 6. The Tribal Council shall elect from within its number, a Vice-Chairman, Secretary and such other officers as it may from time to time deem appropriate.

SEC. 7. The Tribal Council shall meet each month at the Standing Rock Agency, on a date to be fixed by action of the Tribal Council, and at such other times and places as may be designated by action of the Tribal Council or the Chairman. In addition, upon written request to the Chairman or the Secretary, by seven (7) members of the Tribal Council, a special meeting shall be called. A quorum to transact business shall consist of nine (9) members of the Tribal Council. The Tribal Council and its committees shall keep a complete and accurate record of all proceedings and actions taken at every meeting.

SEC. 8. Any member of the Tribal Council who, during the term for which he is elected, is convicted of a felony shall automatically forfeit his office. Any member of the Tribal Council found guilty of neglect of duty, misconduct in office or an offense involving dishonesty may be removed from office by the Tribal Council by a vote of two-thirds (2/3) of the members of the Tribal Council voting, provided such member is first given twenty (20) days' notice in writing by the Secretary of the Tribal Council, and a chance to be heard. The Tribal Council shall by duly enacted ordinances establish such procedures and regulations necessary to carry out the intent of this section. All questions of removal shall be resolved by the Tribal Council.

SEC. 9. All members of the Tribal Council and all other tribal officers before entering upon their official duties, shall take and subscribe to the following oath or affirmation to be administered by a qualified officer:

> "I, ------------------, do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the Standing Rock Sioux Tribe and will faithfully discharge the duties of my office according to the best of my ability, so help me God."

ARTICLE IV - POWERS OF THE STANDING ROCK SIOUX TRIBAL COUNCIL

SECTION 1. The Tribal Council shall exercise the following powers by appropriate motion, resolution or ordinance, subject to any limitations imposed by the Constitution or applicable statutes of the United States, provided that the exercise of the powers listed in sub-paragraphs "i" through "s" of this section shall be subject to the review of the Secretary of the Interior.

a. To negotiate with Federal, State, local governments and others on behalf of the Tribe, and to advise and consult with the representatives of the Department of the Interior on all activities of the Department which may affect the Standing Rock Sioux Tribe.

b. To advise the Secretary of the Interior on all appropriation estimates or Federal projects for the benefit of the Tribe or the Standing Rock Reservation.

c. To promote and protect the health, education and general welfare of the members of the Tribe, and to administer charity and such other services as may contribute to the social and economic advancement of the Tribe and its members.

d. To levy taxes or license fees upon members of the Tribe.

e. To prescribe rules governing nominations and elections of members of the Tribal Council.

f. To regulate the procedure of the Tribal Council.

g. To encourage and foster the arts, crafts, traditions and culture of the Sioux Indians.

h. To authorize or direct subordinate boards, committees or tribal officials, to administer the affairs of the Tribe and to carry out the directives of the Tribal Council, provided that no tribal land or other tribal property may be alienated, encumbered or leased without express authority of the Tribal Council by resolution covering each transaction.

i. To sell, dispose, lease or encumber tribal lands or property as authorized by law.

j. To manage, protect and preserve the property of the Tribe and the wildlife and natural resources of the Standing Rock Reservation.

k. To administer any funds within the control of the Tribe; to make expenditures from available funds for tribal purposes, including compensation for all tribal officers, employees and tribal councilmen, provided that the compensation of tribal officers and councilmen shall not be increased or decreased during the term for which they are elected.

l. To deposit tribal funds to the credit of the Tribe without limitation on the amount in any account in any National or State Bank whose deposits are insured by an agency of the United States; provided that whenever required by the Secretary of the Interior, or his authorized representative, funds advanced to the Tribe from funds held in trust for the Tribe by the United States shall be deposited with a bonded disbursing officer of the United States.

m. To engage in any business that will further the economic development of the Tribe and its members.

n. To govern the conduct of Indians on the reservation; and to provide for the maintenance of law and order and the administration of justice by establishing appropriate courts on the reservation and defining their duties and powers.

o. To safeguard and promote the peace, safety, morals, physical and general welfare of members of the Tribe.

p. To levy taxes or license fees upon non-members of the Tribe doing business within the reservation.

q. To employ counsel or consultants for the protection and advancement of the rights and property of the Tribe and its members.

r. To prescribe the qualifications and procedures governing enrollment into the Tribe.

s. To enlarge or diminish the number of districts named in Article III, Section 2 hereof to meet future needs.

SEC. 2. The Tribal Council may exercise such additional powers as may be conferred upon it in the future by Congress, the Tribe, the Secretary of the Interior, or any other duly authorized official or agency of the State or Federal Government.

SEC. 3. All rights and powers not delegated to the Tribal Council in this Constitution are reserved to the Tribe and may be exercised by the members of the Tribe through the adoption of amendments to this Constitution.

ARTICLE V - TRIBAL ELECTIONS

SECTION 1. Any enrolled member of the Tribe at least twenty-one (21) years of age and resident in the district in which he votes for at least thirty (30) days immediately prior to the date of the election shall be qualified to vote.

SEC. 2. Tribal elections shall be held annually on a date to be fixed by the Tribal Council and in accordance with rules and regulations to be prescribed by ordinance adopted by the Tribal Council.

SEC. 3. The qualified voters of each district shall elect annually by secret ballot one (1) councilman to the Tribal Council for a term of two (2) years. If more than two (2) candidates seek the office of councilman, a primary election shall be held not more than ninety (90) days nor less than thirty (30) days before the general election and the two (2) candidates for each office of councilman receiving the highest number of votes in the primary election shall be the nominees in the general election. [Amendment II, effective December 23, 1963.]

SEC. 4. The Chairman of the Tribal Council shall be elected by the voters of the Tribe at large for a term of two (2) years in odd numbered years. If more than two (2) candidates seek the office of Chairman, a primary election shall be held not more than ninety (90) days nor less than thirty (30) days before the general election and the two (2) candidates for the office of Chairman receiving the highest number of votes in the primary election shall be the nominees in the general election.

Sec. 5. If an office of councilman becomes vacant before the expiration of the term, the local Council of the affected district shall fill the vacancy within thirty (30) days from the date of the vacancy; otherwise the Tribal Council shall fill the vacancy.

SEC. 6. If the office of Chairman becomes vacant before the expiration of the term and if less than one (1) year of the term remains, the Vice-Chairman shall fill the unexpired term unless the Tribal Council in its discretion orders a special election, or, if one year or more of the term remains, the Tribal Council shall order a special election to be held within thirty (30) days after the date of the vacancy.

ARTICLE VI - REVIEW OF RESOLUTIONS AND ORDINANCES

SECTION 1. Any resolution or ordinance subject to review by the Secretary of the Interior or his authorized representative, shall be presented to the Superintendent of the Reservation or the officer in charge, who shall within ten (10) days thereafter approve or disapprove the same.

SEC. 2. Upon approval or failure to approve or disapprove within ten (10) days as provided in Section 1, Article VI, the resolution or ordinance shall become effective. The Superintendent or officer in charge shall transmit copies of all effective resolutions or ordinances to the Secretary of the Interior, who may, within sixty (60) days after receipt thereof, rescind any resolution or ordinance for good cause by giving written notice and the reasons therefor to the Tribal Council.

SEC. 3. If the Superintendent or officer in charge shall disapprove any resolution or ordinance, he shall notify the Tribal Council in writing of his reasons therefor within ten (10) days after the resolution is delivered to the office of the Superintendent or officer in charge. If the Tribal Council is not satisfied with the reasons so given, it may, by a majority of the members voting, refer the resolution or ordinance to the Secretary of the Interior for approval.

SEC. 4. The Secretary of the Interior shall within sixty (60) days after receipt of any resolution or ordinance referred to him by the Tribal Council for approval notify the Tribal Council in writing of his decision to approve or disapprove.

ARTICLE VII - DISTRICT ORGANIZATION

Each district recognized under Article III, Section 2, hereof, may organize local District Councils and elect District officers to consult, make recommendations and advise the Tribal Council, the Superintendent of the Reservation or officer in charge, and the Secretary of the Interior, on all matters of local or tribal interest. The District Councils and officers shall exercise such powers as the Tribal Council may delegate.

ARTICLE VIII - AMENDMENTS

This Constitution may be amended by a majority vote of the qualified voters of the Standing Rock Sioux Tribe voting at an election called by the Secretary of the Interior for that purpose, but no amendment shall become effective until approved by the Secretary of the Interior. The Secretary of the Interior shall call an election upon a proposed amendment to the Constitution at the request of three-fourths (3/4) of the members of the Tribal Council or upon petition of twenty (20) percent of the qualified voters of the Standing Rock Sioux Tribe.

ARTICLE IX - ADOPTION OF AMENDED CONSTITUTION

This amended Constitution shall become effective when ratified by a majority of the qualified voters of the Standing Rock Sioux Tribe voting in an election called by the Secretary of the Interior, and approved by the Secretary of the Interior, provided that the Secretary of the Interior is satisfied that the vote cast represents a reasonable proportion of the qualified voters of the Tribe.

ARTICLE X - NOT AN INDIAN REORGANIZATION ACT CONSTITUTION

This Constitution is not a Constitution pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934, c. 576, 48 Stat. 985, 987 (25 U.S.C. 476).

ARTICLE XI - BILL OF RIGHTS

SECTION 1. Civil Liberties. All members of the Tribe and all Indians on the Reservation shall enjoy without hindrance, freedom of religion, speech, press, assembly, conscience and association. [Added by Amendment I, effective February 26, 1963.]

SEC. 2. Rights of Accused. Any member of the Tribe and any Indian on the Reservation who shall be accused of any offense shall have the right to a prompt, open and public hearing, with due notice of the offense charged, and shall be permitted to summon witnesses in his own behalf. Trial by jury may be demanded by any prisoner accused of any offense punishable by more than thirty days' imprisonment. Excessive bail shall not be required, and cruel punishment shall not be imposed. [Added by Amendment I, effective February 26, 1963.]

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CERTIFICATE OF ADOPTION

This attached amended Constitution was submitted for ratification to the adult members of the Standing Rock Sioux Tribe, and was on the 11th day of February 1959, ratified by a vote of 409 for, and 182 against, representing approximately thirty (30%) percent of the qualified voters of the Tribe.

JAMES G. McLEAN
Chairman, Standing Rock
Sioux Tribal Council

LOUISE PAINTE
Secretary, Standing Rock
Sioux Tribal Council

Approved April 24, 1959

HAROLD W. SCHUNK
Superintendent

ROGER ERNST
Assistant Secretary of the
Interior

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UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
Washington, D. C.

December 31, 1958

Through: Area Director, Aberdeen

Dear Mr. Schunk:

There has been presented to this Department for consideration the proposed revision of the constitution for the Standing Rock Sioux Tribe, North and South Dakota, with the request that we authorize the holding of a referendum for its ratification or rejection. Our examination of the proposed revision indicates that the Standing Rock Sioux Tribal Business Council and the tribal attorney have devoted considerable effort and study of this document and we commend them for the excellent work they have done.

It is our understanding that although the Standing Rock Sioux Tribe voted to accept the provisions of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), the tribal members do not wish to organize or adopt a tribal constitution pursuant to that Act, but instead prefer to revise their present constitution which was adopted prior to the Act of June 18, 1934, and which has continued in effect since 1914, with appropriate amendments having been made thereto since that time. Since this is the expressed desire of the Standing Rock Sioux people, we have no objection to the approval of the revision of the existing constitution with the understanding that the revised document does not fall within the purview of Section 16 of the Indian Reorganization Act which pertains to constitutional organizations and elections.

We are informed that the Standing Rock Sioux Tribal Business Council is now actively engaged in the implementation of Public Law 85-915, the Act of September 2, 1958 (72 Stat. 1762) relating to the Oahe Dam and Reservoir Project. The drafts which we have seen of the plan of operation for the Oahe Relocation and Re-establishment Program reflect the sincere desire of the Tribal Business Council to assume progressively more and more responsibility for the administration and management of the affairs of the Tribe. We believe that this is a commendable step. The tribal constitution as now revised will help materially in the orderly advancement of the tribal government towards this objective and will enable us as the Tribe demonstrates its capability to assist the Tribal Business Council towards this end.

There are a few important additions which we believe should be made in the proposed revision of the tribal constitution. These additions were discussed with the Tribal Attorney who agreed that they are desirable and appropriate. The first concerned Article II, Membership, which added at the end of this Article the phrase:

> "...pursuant to Article IV, Section 1(r) of this Constitution; provided that any person who is rejected for enrollment as a member of the Standing Rock Sioux Tribe shall have the right to appeal to the Secretary of the Interior from the decision of the Standing Rock Sioux Tribal Council, and the decision of the Secretary of the Interiorshall be final, and provided further that prior to the distribution of any tribal assets to the members of the Tribe, the membership roll shall be approved by the Secretary of the Interior."

We believe that it is most important that in Article III, Section 8 of the tribal constitution specific provision be made to safeguard the right of an accused councilman to be heard in his own defense. The following has therefore been added to this section reading: ", provided such member is first given twenty (20) days' notice in writing by the Secretary of the Tribal Council, and a chance to be heard. The Tribal Council shall by duly enacted ordinances establish such procedures and regulations necessary to carry out the intent of this section. All questions of removal shall be resolved by the Tribal Council."

Another addition related to Article IV, Section 1(p) of the tribal constitution in which the phrase "doing business within the reservation." was included at the end of this provision. There may be persons residing within the reservation who are not members of the Tribe but who may not be engaged in business. Such persons, of course, should not be taxed, or fees levied against them.

Certain time schedules are contemplated in Article V, Tribal Elections, to be observed in the conduct of tribal elections for tribal officials. Presumably, the Tribal Business Council will adopt rules and regulations setting out the time for making nominations, etc. We have added, therefore, the phrase "and in accordance with rules and regulations to be prescribed by ordinance adopted by the Tribal Council," at the end of Section 2 of this Article.

The Tribal Attorney also offered an improvement of Article V, Section 3, which we have accepted as an addition reading as follows:

> "...If more than two (2) candidates seek the office of councilman, the one receiving a majority of the total votes cast shall be elected. If no candidate receives a majority of the total votes cast, the two (2) candidates receiving the highest number of votes shall be the candidates in a runoff election to be held not more than thirty (30) days after the general election."

You and the Standing Rock Sioux Tribal Council are hereby authorized to conduct an election to permit the adult members of the Standing Rock Sioux Tribe to vote on the ratification or rejection of the enclosed revised tribal constitution. The election is to be held in accordance with the usual practices observed on the Standing Rock Reservation for the conduct of general tribal elections. Care should be taken that all adult members of the Tribe entitled to participate inthis election are afforded an opportunity to exercise their right to vote in this election. Should you and the Tribal Council wish any assistance in the formulation of procedures to govern this election, please feel free to call upon the staff of the Aberdeen Area Office or that of the Central Office of the Indian Bureau.

As pointed out above, this revised constitution is drafted outside of the provisions of the Indian Reorganization Act, supra; therefore, no minimum percentage of the total number of eligible voters are required to participate in this election in order to effect ratification of this revised constitution. You are requested to stress to the tribal membership that the ratification of this revision of the existing tribal constitution will not change the fact that the Standing Rock Sioux Tribe is organized outside of the provisions of the Indian Reorganization Act.

The document, if ratified by a majority of the qualified voters of the Tribe, will become effective when approved by the Secretary of the Interior, the condition of his approval being that he must satisfy himself that the total vote cast represents a reasonable portion of the qualified voters of the Tribe.

As soon as the election has been held and the results determined, the certification form appearing at the end of the revised tribal constitution should be executed by you and the Tribal Council, and the original of the entire revised document returned to the Bureau of Indian Affairs for transmittal to this Department for final approval.

Sincerely yours,

Roger Ernst
Assistant Secretary of the Interior

Mr. Harold W. Schunk
Supt., Standing Rock Agency
Fort Yates, North Dakota

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UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
ABERDEEN AREA OFFICE

820 South Main
Aberdeen, South Dakota

March 19, 1959

Commissioner
Bureau of Indian Affairs
Washington 25, D. C.

Attn: Tribal Programs

Dear Sir:

On December 31, 1958 the Assistant Secretary authorized the Superintendent and the Standing Rock Sioux Tribal Council to conduct an election to permit the adult members of the Standing Rock Sioux Tribe to vote on the ratification or rejection of a revised constitution which was enclosed with the Assistant Secretary's letter.

By resolution the Tribal Council set the date of February 11, 1959 for the election and although we offered our services in connection with the election, the Tribal Council did not accept our offer and proceeded to carry out the campaign for adoption of the revised tribal constitution and the election on their own initiative.

After the election was held we received a mimeographed copy of the certification of the election committee which certified that the adult members of the Tribe had voted to accept the revised constitution by a vote of 409 in favor and 182 against. Upon receipt of this mimeographed notice the Superintendent was requested by our memorandum of February 25 to return the original of the entire revised document, properly certified as required by the last paragraph of the Assistant Secretary's letter of December 31.

There are enclosed copies of the revised constitution of the Standing Rock Sioux Tribe certifying the ratification by the Tribal membership at an election on February 11, 1959, by a vote of 409 for and 182 against. Neither the Agency nor the Tribe can locate the original letter of the Assistant Secretary addressed to Mr. Schunk, nor the original revised document attached to that letter. It is assumed that the letter and document were lost by the past Chairman during one of his extended absences from office. However, this is only an assumption. It is, therefore, recommended that one of the attached, signed copies be accepted as the original document and it is recommended that it be approved.

Sincerely yours,

Robert L. Bennett
Assistant Area Director

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UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
Washington, D. C.

April 24, 1959

Through: Area Director, Aberdeen
Standing Rock Sioux Tribal Council
Dear Mr. Chairman:

I am in receipt of the amended constitution of the Standing Rock Sioux Tribe as approved June 25, 1914, and as amended August 16, 1954, The Certificate of Adoption indicates that the amended constitution was submitted for ratification to the adult members of the Standing Rock Sioux Tribe on February 11, 1959, and was ratified by a vote of 409 for and 182 against, which represents approximately thirty percent of the qualified voters.

In accordance with "Article IX, Adoption of Amended Constitution" I am satisfied that the vote cast represents a reasonable proportion of the qualified voters of the tribe. I am today affixing my signature and I am approving the document entitled "Amendment to Constitution of the Standing Rock Sioux Tribe as approved June 25,1914, and as amended August 16, 1954."

"Apparently, the original document transmitted with our letter of December 31, 1958, has been lost or misplaced, I am, therefore, affixing my approval to page 7 of the mimeographed reproduction of the original document above mentioned. I noticed in reviewing the enclosure that a typographical error appears in Article VIII, Amendments. The second word in the third line was transposed from "that" to "the". This does not cloud the intent of the Article, but I mention it in passing for your information.

I want to personally express to the tribal council, the tribal attorney and others who participated in the development of this document, the presentation of it to the electors and in the conduct of the election, that a remarkable job has been well done. This document, without doubt, will materially add to the effectiveness of the tribe's governmental functions and provide a well defined basis for the development of the internal strength of the tribe.

One manually signed copy of the amended constitution bearing my approval and signature is enclosed for the records of the tribe. A manually signed copy stamped with my approval and signature is being transmitted, together with a copy of this letter, to the Superintendent of the Standing Rock Agency and the Area Director at Aberdeen, South Dakota.

Sincerely yours,

Roger Ernst
Assistant Secretary of the Interior

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UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
Washington 25, D.C.

October 5, 1961

Through: Area Director, Aberdeen

Dear Mr. Nesset:

There has been presented to this Department for consideration Resolution No. 132-61, which was passed by the Standing Rock Sioux Tribal Council on March 13, 1961. The resolution proposes an amendment to the constitution by adding a new Article XI - Bill of Rights.

The Standing Rock Sioux tribal constitution provides that the Secretary of the Interior shall call an election upon a proposed amendment to the constitution at the request of three-fourths (3/4) of the members of the tribal council.

We have reviewed the language of the proposed amendment and we find no objections thereto. However, the Bill of Rights as proposed does not appear to include all rights which should be accorded to the members of the tribe. Since the time remaining for the consideration of revisions to the Bill of Rights would not be sufficient to allow for a review by the tribal council as required by the constitution on proposed amendments, it is considered desirable for the amendment proposal to be submitted to the electorate in the forthcoming election of October 21. Accordingly, you and the Standing Rock Sioux Tribal Council are hereby authorized to conduct an election to permit the adult members of the Standing Rock Sioux Tribe to vote on the ratification or rejection of the enclosed amendment to the tribal constitution. The election is to be held in accordance with the usual practices observed on the Standing Rock Reservation for the conduct of general tribal elections. Care should be taken that all adult members of the tribe entitled to participate in this election are afforded an opportunity to exercise their right to vote.

Since the Standing Rock Sioux Tribe is organized outside the provisions of the Indian Reorganization Act, no minimum percentage of the total number of eligible voters are required to participate in this election in order to effect ratification of this porposed amendment.

The amendment, if ratified by a majority of those qualified voters of the tribe voting in the election, will become effective when approved by the Secretary of the Interior.

As soon as the election has been held and the results determined, the enclosed certification form should be executed by you and the proper tribal officials, and the original of the amendment and certification form returned to the Bureau of Indian Affairs for transmittal to this Department for approval.

It is suggested that the tribal council give consideration to amending the proposed Bill of Rights if accepted by the members on October 21 in order that the maximum protection may be afforded to the members in the Bill of Rights. To accomplish this, we submit the following proposals for consideration:

(1) Article IX, Section 2, insert after the words "offense charged", the

words "shall be permitted to have the assistance of counsel for his defense and to summon witnesses in his own behalf."

(2) Add a Section 3, suggested wordage as follows: "No person shall be subject to be twice put in jeopardy for the same offense nor be compelled in any criminal case to be a witness against himself nor be deprived of life, liberty, or property, without the process of law, nor be denied equal protection of law."

Sincerely yours,

John A. Carver, Jr.
Assistant Secretary of the Interior

Mr. Noralf Nesser
Supt., Standing Rock Agency

Transmitted: October 10, 1961

Martin N. B. Holm
Area Director

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AMENDMENT TO CONSTITUTION OF THE STANDING ROCK SIOUX TRIBE

AMENDMENT I

A new Article to the Constitution as follows:

ARTICLE XI - BILL OF RIGHTS

SECTION 1. Civil Liberties. All members of the Tribe and all Indians on the Reservation shall enjoy without hindrance, freedom of religion, speech, press, assembly, conscience and association.

SEC. 2. Rights of Accused. Any member of the Tribe and any Indian on the Reservation who shall be accused of any offense shall have the right to a prompt, open and public hearing, with due notice of the offense charged, and shall be permitted to summon witnesses in his own behalf. Trial by jury may be demanded by any prisoner accused of any offense punishable by more than thirty days' imprisonment. Excessive bail shall not be required, and cruel punishment shall not be imposed.

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CERTIFICATE OF ADOPTION

This attached Amendment to the Constitution was submitted for ratification to the adult members of the Standing Rock Sioux Tribe, and was on the 21st day of October, 1961, ratified by a vote of 775 for, and 119 against, representing eighty-seven(87%) percent of the qualified voters of the Tribe.

A. J. Agard
Chairman, Standing Rock Sioux
Tribal Council

Maxine N. Birk
Secretary, Standing Rock Sioux
Tribal Council

Noralf Nesset
Supt., Standing Rock Agency

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UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
Washington, D. C.

February 26, 1963

Through: Area Director, Aberdeen, South Dakota

Dear Mr. Nesset:

In an order issued by this Department on October 5, 1961, you were authorized to hold an election to permit the qualified voters of the Standing Rock Sioux Tribe of the Standing Rock Reservation, to express themselves on the adoption or rejection of an amendment to the Constitution. The amendment to the Constitution was presented to the tribal voters in an election held on October 21, 1961.

It is gratifying to learn from the Certification of Adoption that the eligible voters, representing approximately eighty-seven percent (87%) of those entitled to vote, cast their ballots in favor of the adoption of Amendment I entitled, "Bill of Rights". The votes cast on the amendment show the following results:

Amendment No. I	775 For and 119 Against

Since the Standing Rock Sioux tribal members have complied with Article VIII of the Tribe's Constitution, the amendment to the tribe's constitution is hereby approved to be effective as of the date of this approval. The amendment to the Constitution to which has been affixed the deal of this Department is returned for your safekeeping.

Sincerely yours,

John A. Carver, Jr.
Assistant Secretary of the
Interior

Mr. Noralf Nesset
Superintendent, Standing Rock Agency

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UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
Washington, D. C.

September 23, 1963

Through: Area Director, Aberdeen

Dear Mr. Nesset:

There has been presented to this Department for consideration Resolution No. 9-64, which was passed by the Standing Rock Sioux Tribal Council on July 31, 1963. The resolution, approved by eleven of the fifteen member council, proposes to amend Article V, Section 3 of the tribal constitution.

The Standing Rock Sioux Constitution provides that the Secretary of the Interior call an election upon a proposed amendment to the constitution at the request of three-fourths (3/4) of the members of the tribal council.

Article V, Section 3 of the constitution now provides for a run-off election of candidates for councilmen; the proposed amendment would eliminate the necessity of a run-off election by having the matter settled at a primary election which would be held before the general election. We have reviewed the proposed amendment and find no basis for objections.

We note the resolution requests that the proposed amendment be submitted to the electorate in the forthcoming election of tribal officers scheduled for October 24. You and the Standing Rock Sioux Tribal Council are hereby authorized to conduct an election to permit the adult members of the Standing Rock Sioux Tribe to accept or reject the enclosed proposed Amendment II to the tribal constitution in conjunction with the October 24 election of tribal officers. The election is to be held in accordance with the usual practices observed on the Standing Rock Reservation for conducting general tribal elections. Care should be taken that all adult members of the tribe entitled to participate in the election are afforded an opportunity to exercise their right to vote.

Since the Standing Rock Sioux Tribe is organized outside the provisions of the Indian Reorganization Act, no minimum percentage of the total number of eligible voters is required to participate in this election. The requirements of Article VIII must be met in order to effect ratification of this proposed amendment. Article VIII provides that an amendment will become effective when ratified by a majority of those qualified voters of the tribe voting in a duly called election and approved by the Secretary of the Interior.

As soon as the election has been held and the results ascertained, the enclosed certification form should be executed by you and the proper tribal officials, and the original of the amendment and certification form returned to the Bureau of Indian Affairs for transmittal to the Secretary for approval.

Sincerely yours,

John A. Carver, Jr.
Assistant Secretary of the
Interior

Mr. Noralf Nesset
Supt., Standing Rock Agency

Noted and Transmitted: September 27, 1963

Martin N. B. Holm
Area Director

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AMENDMENT
CONSTITUTION OF THE STANDING ROCK SIOUX TRIBE OF THE STANDING ROCK RESERVATION OF NORTH AND SOUTH DAKOTA

AMENDMENT II

Article V, Section 3 of the constitution shall be amended in its entirety to read as follows:

> "Section 3. The qualified voters of each district shall elect annually by secret ballot one (1) councilman to the Tribal Council for a term of two (2) years. If more than two (2) candidates seek the office of councilman, a primary election shall be held not more than ninety (90) days nor less than thirty (30) days before the general election and the two (2) candidates for each office of councilman receiving the highest number of votes in the primary election shall be the nominees in the general election."

CERTIFICATE OF ADOPTION

The attached Amendment II of the Constitution of the Standing Rock Sioux Tribe was submitted for ratification to the adult members of the Standing Rock Sioux Tribe, and was on October 24, 1963, ratified by a vote of 750 for, and 194 against, representing approximately 79 percent of the qualified voters of the tribe.

Aljoe Agard
Chairman, Standing Rock Sioux
Tribal Council

Alvina Greybear
Secretary, Standing Rock Sioux
Tribal Council

December 2, 1963

Noralf Nesset
Superintendent, Standing Rock Agency

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APPROVAL

I, John A. Carver, Jr., Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Amendment II to the Constitution of the Standing Rock Sioux Tribe of the Standing Rock Reservation, North and South Dakota.

Approval recommended:

James E. Officer
Assistant Commissioner
Bureau of Indian Affairs

John A. Carver, Jr.
Assistant Secretary of the
Interior
[SEAL]

Washington, D.C.
Date: December 23, 1963

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AMENDED CONSTITUTION AND BY-LAWS OF THE YANKTON SIOUX TRIBAL BUSINESS AND CLAIMS COMMITTEE, SOUTH DAKOTA

Approved April 24, 1963

PREAMBLE

Whereas the Yankton Sioux Tribe of Indians have progressed in their association with other members of the community in which they live, and many members are educated and self-supporting, and trained in business, trades, skills and farming, and Whereas, the Yankton Sioux Tribe of Indians adopted a Constitution and By-Laws on September 22, 1932, which Constitution provides for amendment of the same at any regular or special Tribal Council, subject to the approval of the Commissioner of Indian Affairs and the said Constitution failing to provide for business and Tribal affairs as they exist today, and a Tribal Council having been held at Greenwood, South Dakota, on August 3-4, 1961, after due notice was given and continued thereafter until the business of that Council was completed, at which Tribal Council at its meeting having authorized a resolution whereby a Constitutional Committee was elected on December 16, 1961, to draft a Constitution and By-Laws and the Committee having duly considered the matter and having discovered that the Yankton Sioux Tribe of Indians has a Constitution, which Constitution was adopted on September 22, 1932, and approved by the Commissioner of Indian Affairs on October 5, 1932, and the original Constitution and By-Laws providing in Section 16 thereof that the Constitution and By-Laws may be amended at any regular or special Tribal Council, sub-to the approval of the Commissioner of Indian Affairs and which Constitution is now in full force and effect, the Constitutional Committee after due consideration being of the opinion that the said Committee is without authority to draft a Constitution and By-Laws, but is authorized to the drafting of amendments and by-laws to the original said Constitution at a Tribal Council held at Greenwood, South Dakota, on July 17, 1962, and in order to establish further a united Tribal organization to conserve and develop the common resources of our Tribe, to promote and advance the health, education and welfare of our selves and our posterity, to instill through education and industrial development on our reservation, a sense of responsibility and initiative both of which are necessary in a dynamic society, to ever hold before our Tribe the glory and heritage of our race, we do hereby amend our existing Constitution and By-Laws as follows:

[Unfortunately, the 1932 Constitution and By-Laws were not provided; thus, the following is partially incomplete.]

ARTICLE I - AMENDED CONSTITUTION

SECTION I. This is an amendment of the 1932 Constitution and By-Laws, which said Constitution is in full force and effect, as provided in Articles 16 and 17 thereof:

"ARTICLE 16. This Constitution and By-Laws may be amended at any regular or special Tribal Council, subject to the approval of Commissioner of Indian Affairs."

"Article 17. This Constitution shall be in full force and effect to govern the Yankton Sioux Tribe and Tribal Committee on and after the date it is approved by the Commissioner of Indian Affairs at Washington, D. C."

SEC. 2. It is specifically recognized by the Constitutional Committee and the Tribe at large that this Amended Constitution is not subject to the provisions of the Howard-Wheeler Act of 1934, which is the Indian Reorganization Act Public Law No. 383, of the 73rd Congress of the United States of America S (3645).

ARTICLE II - NAME

SECTION 1. The Executive organization existing under this Constitution shall be known as the Yankton Sioux Tribal Business and Claims Committee;wherever the word committee is used it shall mean the Yankton Sioux Tribal Business and Claims Committee, hereafter.

ARTICLE III - PURPOSE AND OBJECT

SECTION 1. To provide the Tribe with authority to protect their interest in the Tribal land and advise individual members of their rights, privileges and immunities as owners of allotted lands and to prosecute claims in the name of the Tribe for loss of Tribal lands to the United States of America and to retain counsel of their choice to represent the Tribe in suits for or against the Tribe regarding claims and to contract with counsel for such service.

ARTICLE IV - MEMBERSHIP

SECTION 1. The 1921 Yankton Sioux Tribal rolls shall be the base for the current membership, and all members shall be of the Yankton-Sioux Indian blood. The Yankton Sioux Tribal Membership shall comprise those persons whose names appear on the Rosebud Agency Census Roll. Every effort should be made by resident tribal members to induce non-resident relatives to register themselves on this roll, including children born off the reservation. This shall be recognized officially as the LIVING YANKTON SIOUX INDIAN TRIBAL ROLL.

Names of the deceased shall be stricken from the roll, and the new-born shall be added to said roll. Those born after the date of distribution of per capita (in the event there is one) shall not be entitled to that particular distribution. In all fairness the date of distribution (in the event there is one) shall be set and declared final, but actual distribution shall take place one year after said final date. This procedure is to allow time for registration for eligibility, in the event that one is born in the last hours of the last twenty-four hour day. Parents of any new-born in the last twenty-four hour period, on or off the reservation, shall have time to enroll such new-born in said roll (birth certificate required as proof). To be eligible for the LIVING YANKTON SIOUX INDIAN TRIBAL ROLL, members must possess at least one-quarter (¼) degree Yankton Sioux Indian blood, provided, moreover, that they are not enrolled on another reservation. This section shall not segregate Yankton Sioux Indian blood, paternal or maternal.

SEC. 2. The membership rolls shall be reviewed annually by the Committee in order to keep records up to date as well as make any necessary corrections, said corrections subject to the approval of the Tribe.

SEC. 3. The active membership rolls shall be comprised of Tribal members who are of legal age (21 years and over).

ARTICLE V - OFFICERS

SECTION 1. These shall be comprised of nine members consisting of a Tribal Chairman, Vice-Chairman, Secretary, Treasurer and five other members, which members and officers shall be nominated by a petition signed by not less than 25 members of the Tribe and which petition shall designate the office for which the candidate is running, either Chairman, Vice-Chairman, Secretary and Treasurer, or members at large.

SEC. 2. The officers and Committee members shall be elected every two years on the first Thursday in September to hold office until their successors are duly installed, or as may be otherwise provided. Any Committee member or officer may be removed for good cause by a two-thirds vote of the members attending any regular Tribal meeting or any meeting called for such removal.

SEC. 3. The judicial power shall remain in the Tribal membership and upon request of five members for any just cause, such cause shall be submitted at any regular Tribal meeting for action. The legislative branch shall be comprised of the nine Committee members; however, any legislative action shall first be submitted to a General Tribal Council and subject to Tribal amendment, repeal or ratification.

SEC. 4. Compensation shall not be paid to any Committee member, Chairman, Vice-Chairman, Secretary, Treasurer, or any member of the Tribe without the approval of the Tribe and the Secretary of the Interior.

ARTICLE VI - TERRITORY

SECTION 1. The territory under which this Constitution shall exist shall extend to all original Tribal lands now owned by the Tribe under the Treaty of 1858.

SEC. 2. All assignments of tribal land heretofore made by the Bureau of Indian Affairs, prior to this amended Constitution, shall remain at the discretion of the Bureau of Indian Affairs.

SEC. 3. All Tribal lands, and Tribal property thereon, shall remain free from taxation and shall be exempt from any and all forms of liens, and shall not be encumbered in any manner whatsoever.

ARTICLE VII - CLAIMS AGAINST THE UNITED STATES

SECTION 1. Nothing in this Constitution shall be so construed as to impair or prejudice any claim or suit of the Yankton Sioux Tribe of Indians against the United States and that no expenditures for the Yankton Sioux Indians made out of appropriations prior to this amended Constitution shall be considered as offsets in any suit brought to recover any claim of the Yankton Sioux Tribe of Indians against the United States and that all future payments recovered on claims shall be paid on a per capita basis.

ARTICLE VIII - HEADQUARTERS

SECTION 1. This organization shall have temporary headquarters at Yankton Sub-Agency, Wagner, South Dakota. This organization shall be at all times non-sectarian.

ARTICLE IX - DEMOCRATIC FORM OF GOVERNMENT

SECTION 1. All operations under this Constitution shall be free from any system of collectivism and/or socialism under any and all circumstances.

SEC. 2. This Constitution shall stress to the fullest extent of its authority at all times, recognition of and operation under the private enterprise system and democratic way of life.

ARTICLE X - HUNTING

SECTION 1. Hunting or fishing of wild game shall not be forbidden any Indian on Tribal lands.

SEC. 1. Hunting or fishing shall be allowed on allotted or heirship land with permission of the land owner or owners.

ARTICLE XI - AMENDMENTS

SECTION 1. An amendment to this Constitution may be proposed at any regular or special Tribal meeting by vote of majority of the members present at such meeting in favor of any proposed amendment. To officially adopt such proposed amendments there must be an election as to which there shall be written notices posted at proper places throughout the reservation at least thirty (30) days and not more than sixty(60) days in advance of the date such amendment is to be considered, such notices to give the time and place of the meeting and also to specify what the proposed amendment is.

SEC. 2. The final procedure on any proposed amendment shall be voting by secret ballot at a polling place, time and place of such voting to be determined and designated by the Committee.

SEC. 3. All eligible voters of the Tribe may vote on any proposed amendment by presenting themselves at the polling place.

SEC. 4. All or any part of this Constitution is subject to amendment, repeal or ratification subject to the approval of the Secretary of the Interior.

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AMENDED BY-LAWS OF THE YANKTON SIOUX TRIBAL BUSINESS AND CLAIMS COMMITTEE

ARTICLE I - VOTING ON INDIAN LEGISLATION

SECTION 1. All Tribal business other than of a routine nature which would involve Indian legislation shall be voted on by secret ballot at a polling place, time and place of such voting to be determined and designated by the committee. Notice shall be posted at proper places throughout the reservation at least thirty (30) days and not more than sixty (60) days in advance of such voting.

SEC. 2. All eligible voters may vote by presenting themselves at the polling place; approval by majority vote shall be considered final.

ARTICLE II - ELECTIONS

SECTION 1. The first election of Committee members under this Constitution shall take place thirty (30) days after its approval by the Tribe and the Secretary of the Interior. Thereafter elections shall be held every two years on the first Thursday in September. Voting shall be by secret ballot cast at a polling place to be designated by an election board to be appointed by the Committee. The said election board shall have power to certify the election of any candidate elected in accordance with Tribal membership rights.

SEC. 2. All eligible voters may vote at this election if they present themselves at the polling place.

ARTICLE III - MEETINGS

SECTION 1. In addition to an annual meeting (3rd Tuesday in August of each year) regular Tribal meetings shall be called by the officers when the need arises or upon the request of ten members, and thirty (30) days notice designating the time and place may be posted throughout the reservation and must include the agenda.

SEC. 2. In the event of an emergency situation, or upon the request of fifteen members, the officers shall have authority to call a special meeting. Notice of such meeting shall be by best possible methods of communication available and can be by word of mouth and television, news broadcasts, etc.

SEC. 3. A majority of the members of the Tribal Committee shall constitute a quorum at Committee meetings and twenty members shall constitute a quorum at general meetings.

ARTICLE IV - MANAGEMENT

SECTION 1. The Committee shall have the authority to investigate and transact all Tribal business of a routine nature and Indian legislation including Industry, Sanitation, Housing, Redevelopment and etc., and shall also act in the capacity of a laison delegation between the Tribe and Federal, State and local governments, and such other agencies or parties that may offer opportunities for the Tribe. It will be required of the Committee to keep the members of the Tribe clearly informed during the process of investigation. Indian legislation will be brought to the general Tribal council for the Tribe's consideration, 30 days prior to referendum vote by the Tribe.

SEC. 2. The Committee shall negotiate the terms of contractual agreements; said contractual agreements shall be subject to the approval of the Tribe. Approval to be made in accordance with Article I, Sections 1 and 2 of the amended By-Laws.

SEC. 3. All allotted lands, including heirship lands, belonging to any member of the Yankton Sioux Tribe of Indians shall continue to be held as heretofore by their present owners. It is recognized that under existing law such lands may be inherited by the legal heirs of the present owners, whether such heirs are members of the Yankton Sioux Tribe of Indians or not. It is also recognized that under existing law the Secretary of Interior may remove restrictions upon such lands, upon the application of the Indian owner, whereupon the land may be sold or mortgaged and in such event, will be subject to taxes. The rights of the individual Indians to hold their lands under existing law shall not be affected by anything contained in this Constitution and By-Laws.

SEC. 4. It is recommended by the Yankton Sioux Tribe that a majority of heirs or as many that may be available (51% or more) should constitute a lease. Every effort shall be made by the renter in order to obtain as many signatures as possible. This is in recognition of the democratic way of life, where a majority of individual Indians should have freedom in exercising their rights in negotiating a lease. In the process of negotiating a lease all heirs shall be notified thereby individual rights will not be violated.

SEC. 5. Any business in the matter of Tribal claims shall be brought directly to a General Tribal Council for the Tribe's consideration, except in case of an emergency involving any attorney contract, then the contract shall be executed in accordance with the format used in the renewal dated February 1, 1957. This format was used again by the Constitutional Committee in an emergency involving attorney contract which expired in January 17, 1961, and in view of circumstances as stated in the letter of January 17, 1962, from the law office of Wilkinson, Cragun, and Barker, the Committee temporarily extended the original attorney contract so that the Yankton Claims will not be lost by default.

SEC. 6. The format mentioned above is an exception to the regulations cited as 25 CFR Section 72. The specific authority as required in contractual agreement are from excerpts of title 25 of the code of federal regulations as follows: (a) Section 72.7 statutes governing the negotiation and execution of Tribal attorney contracts with Tribes not organized under the Indian Reorganization Act must be in strict accordance with the requirements of Section 2103 of the revised statues of the United States. (25 U.S.C. 81). (b) Section 72.8 statutes governing selection of counsel, except as stated in sections 72.12-72.15, a Tribal attorney and Tribal delegates to execute a contract shall be selected by a General Council or meeting of the Tribe, to be called by the superintendent of the particular reservation. The superintendent, or someone representing him, shall be in attendance with a stenographer.

SEC. 7. The rights of the individual Indians to hold their money shall not be affected by anything contained in this Constitution and By-Laws. All individually owned income such as wages, salaries, pensions, income from allotted lands and heirship and deeded lands and any other incomes of the individual shall be held by such individual.

SEC. 8. In further recognition of the rights of the individual Indians to hold their money, any money that may be recovered by suit of the United States of America by the Yankton Sioux Tribe of Indians, which is now pending before the Indian Claims Commission, shall be paid on the per capita basis, and shall not be held by the Bureau of Indian Affairs to budget out to the Indian Tribe nor shall this be programed out by Committee.

ARTICLE V - DUTIES OF OFFICERS

SECTION 1. Duties of Chairman: All duties normally applicable to the post of Chairman shall be required of the Chairman although he need not necessarily preside at General Council meetings. All official Tribal business shall require the signature of the executive Chairman.

SEC. 2. Duties of Vice-Chairman: The Vice-Chairman shall assume and discharge the duties of the office of Chairman in the absence or disability of, or at the request of the Chairman. The Vice-Chairman shall administer oaths of office to all members who may be elected before such elected members take active part in the deliberations of the Committee.

SEC. 3. Duties of the Secretary: The Secretary shall have charge of and keep an accurate record of all proceedings of the meetings, keep such records as may be required by the membership, and keep the members of the Tribe clearly informed of the various accomplishments of the Committee, and shall handle the correspondence of this organization. All official Tribal business shall require the signature of the executive Secretary.

SEC. 4. Duties of Treasurer: The Treasurer shall be responsible for maintaining the bookkeeping system and preparing the annual budget, financial statements, balance sheets, and profit and loss statements. The Treasurer shall sign all vouchers and make a full report to the Tribe on the financial reports as they are available and at the annual meeting; the Treasurer shall also be bonded.

SEC. 5. Duties of Chaplain: The Committee shall agree on selecting a Chaplain who shall give the invocation at all meetings.

ARTICLE VI - ELIGIBILITY OF OFFICE

SECTION 1. Any member of this organization in good standing over the age of 21 shall be eligible to hold office in this organization with the provision that he or she shall be a resident of the Yankton Indian Reservation of South Dakota for at least one year. This shall specifically exclude any employee of the United States Government.

ARTICLE VII - VACANCIES

SECTION 1. Any and all vacancies existing other than from the expiration of the term of office shall be filled by a majority vote of the membership acting at the regularly scheduled Tribal meeting, and such appointed person shall hold office for the unexpired term of the person he succeeds and until a successor is duly elected and installed.

ARTICLE VIII - OATH OF OFFICE

SECTION 1. All duly elected or appointed members of the Committee shall take an oath of office prior to assuming the duties of such office, pledging himself to support and defend the Constitution of the United States of America, the Constitution of the State of South Dakota and the Constitution of the Yankton Sioux Tribal Business and Claims Committee including the By-Laws thereof. The oath shall be in form as follows:

> "I, ____________________, do solemnly swear to defend the Constitution of the United States of America, the Constitution of the State of South Dakota, and the Constitution and By-Laws of the Yankton Sioux Tribal Business and Claims Committee against all enemies. I will carry out, faithfully and impartially, the duties of my office to the best of my ability, and protect the best interests of the Yankton Sioux Tribe of Indians in accordance with its Constitution and By-Laws. So help me God."

ARTICLE IX - UNDUE INFLUENCE ON CONTRACTS

SECTION 1. Undue influence is such power and/or domination which a strong-willed person wrongfully exercises over a weak-willed one. When undue influence has been used to effect the execution of any contract, then such contract shall be declared null and void.

ARTICLE X - MEMBERSHIP FILE

SECTION 1. Each and every member of this organization shall furnish the Secretary with his or her address for mailing purposes.

ARTICLE XI - QUASI CORPORATION

SECTION 1. This organization shall be in the nature of a corporation.

SEC. 2. This organization shall not be perpetual, but shall depend upon the
of its activity.

SEC. 3. This Quasi Corporation shall operate without a State or Federal Char

ARTICLE XII - RULES OF ORDER

SECTION 1. All proceedings of this organization shall be conducted under and
suant to Roberts' Rules of Order.

ARTICLE XIII - AMENDMENTS

SECTION 1. The procedure for amending these By-Laws shall be in accordance w
Article II of the Constitution.

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UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
Washington 25, D.C.

24 April 1963

Through: Area Director, Aberdeen

Mr. Harold W. Schunk
Superintendent, Rosebud Agency

Dear Mr. Schunk:

On July 24 the Aberdeen Area Director forwarded to this Office Resolution No.
adopted July 10 by the Constitutional Committee of the Yankton Sioux Tribe, requ
ing that amendments to the Tribe's 1932 Constitution and By-laws be approved. T
amendments submitted with Resolution No. 3 were adopted by the Tribe in General
cil held on July 2, 1963, in accordance with Article 16 of the 1932 Constitution
By-laws.

The amendments submitted have been carefully examined. It is quite clear tha
very considerable amount of painstaking effort was taken by the Constitutional C
mittee in the development of the modifications. A number of the provisions need
clarification for the purpose of providing a clear understanding as to their int
Our comments with respect to such provisions are as follows:

Article III - Purpose and Object
Section 1. While we do not object to the provisions of this section, it should
understood that 25 USC 81 provides for the approval of all contracts by the Secr
of the Interior.

Article IV - Membership
Section 1. For the purpose of lending clarity to the provisions of this section

understood that the requirement that a person must possess ¼ degree Yankton Sioux Indian blood to be eligible for membership shall not be retroactive, but that such requirement shall become effective upon the date of approval of this amended constitution by the Commissioner of Indian Affairs.

Section 3. We see no objection to the provisions of this section, but from the standpoint of clarity, it is understood that the term "active membership" is intended to mean the membership which comprises the eligible voters of the tribe.

Article V - Officers

Section 1. We are certain that the tribe intends to have separate secretary and treasurer positions within the Committee. Therefore, as a matter of clarification it is understood that the reference to "Secretary and Treasurer" as used in the last line of this section is not to be construed that the secretary and treasurer is one office.

Section 2. We fully recognize that circumstances may, on occasion, warrant the removal of an officer or committee member of a tribe's designated tribal committee, and that the procedures for removal need to be clearly established in order to avoid excessive disruption of the tribal organization arising from charges for removal which may be made without specific grounds. For this reason it should be understood that the Committee of the Yankton Sioux Tribe, by resolution or ordinance, will establish an appropriate removal procedure. As a matter of information, the removal procedure could include such factors as malfeasance in the handling of tribal affairs, neglect of duty, unexcused failure to attend three regular meetings in succession, conviction of a felony in any county, state or Federal court while serving on the Committee, and refusal to comply with any provisions of the Constitution and By-laws of the Tribe.

Section 3. The provision in this section is not clear as to its applicability. However, for the purpose of clarity, it is understood that the intent of this section is to allow the tribal membership a means of control over its officers and committee members through such actions as reprimand, censure, suspension and removal, and that there is no intent on the part of the tribe to establish any type of judicial proceedings either criminal or civil. Our comments on Section 2 of Article V with respect to the establishment of written removal procedures applies to this section.

Section 4. With respect to the language "approval by the Secretary of the Interior" as it appears in this section and in other parts of this constitution, your attention is directed to the administrative procedures established by law which permits the Secretary of the Interior to delegate authority to subordinate officers. Therefore, for the purpose of clarity it should be understood that when any reference in this constitution is made to the "Secretary of the Interior" it shall mean the "Secretary" or his authorized representative.

Article VI - Territory

Section 2. The language in this section could have been stated in a more explicit manner. It is not known whether the assignments made prior to this amended constitution were made only with the approval of the Bureau. Assignments of tribal land are the responsibility of the tribe, but such assignments may be made subject to approval of the Secretary or his authorized representative. Therefore, it is understood that as a matter of principle, the provision of this section is interpreted by the Bureau to include the proprietary rights of the tribe in making assignments.

Section 3. The language of this section implies that the provisions therein take precedence over the laws of the United States. To avoid any false impression it is understood that the provisions of this section are subject to any valid law to the contrary. We do not believe the tribe intended that the word "encumbered" be used in such a broad sense as to preclude the tribe granting assignments, permits, leases, and rights of way. This interpretation is made in order to provide clarity to the intent of the language contained in this section.

Article VII - Claims Against the United States
Section 1. The first clause is unnecessary since the constitution as amended could not be construed to prejudice any claims which can lawfully be made against the United States. The first part of the second clause would impose on invalid condition, since Federal law does permit offsets to be made. The last portion of this Article, which provides that future payments of recovered claims shall be made per capita, is subject to legislative control. This Article obviously could not be approved, and accordingly is to be omitted from this constitution.

Article X - Hunting
Section 1. We interpret the provisions of this section as simply a statement of tribal policy that the tribe will not prohibit or otherwise attempt to keep Indians, whether tribal members or not, from carrying on hunting activities on tribal lands. And that it is not intended as an affirmative grant of right. It should be further understood that any such activity by Indians will be subject to applicable laws on the subject.

Section 2. From the standpoint of clarification and understanding we regard the provisions of this section as simply a statement of tribal policy that hunting and fishing activities by anyone, whether Indian or non-Indian, on allotted or individually owned land, will be a matter for determination by the individual owners and it is not intended as a grant of an affirmative right. As indicated above, such activities shall be subject to applicable laws.

Article XI - Amendments
Section 1. The provisions of this section could have been more explicit. However, exception is not being taken. On the other hand, it should be understood that the tribe will enact an ordinance governing the conduct of elections on amendments. Such an ordinance shall provide all information pertinent to an election including voting on amendments by absentee ballots.

Section 2. With the understanding that the tribe will enact an election ordinance, as set forth in the comments to Section 1, Section 2 of Article XI therefore shall be deleted.

Section 3. Both the Task Force on Indian Affairs and the Senate Sub-Committee on Constitutional Rights of the American Indian have stressed the importance of assuring that Indian citizens have the same constitutional rights as other citizens. Section 3, as constructed, imposes a limitation on the eligible voters of the tribe in voting on any proposed amendments to the constitution and by-laws of the tribe's organizational document. In view of this limitation, this section obviously could not be approved, and is to be omitted.

Section 4. With the deletion of sections 2 and 3 of this Article, section 4 as submitted is renumbered as section 2.

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AMENDED BY-LAWS OF THE YANKTON SIOUX TRIBAL BUSINESS AND CLAIMS COMMITTEE

Article IV - Management

Section 2. The word "contractual" was used in this section is [was] misspelled; however, it is understood that the reference to that word [contractial] is intended to be "contractual".

Section 3. While no objection is taken to the provisions of this section, it should be understood that lands belonging to any member of the Yankton Sioux Tribe, whether allotted or heirship lands, and whether in trust or non-trust status, are governed by the laws of the United States.

Section 4. Exception is not taken to the provisions of Section 4 of Article IV of the By-laws, but it should be understood that the statute, 25 USC 380, as implemented by 25 CFR 131, will govern the execution of leases on inherited lands.

Section 5. While we do not object to the provisions of this section, we feel it should be understood by the Tribe that when authority is not delegated to its representative body (tribal council, committee, etc.) to employ legal counsel, such authority rests with the Tribe. Approval of a contract for legal services, therefore, must be by resolution by the tribe in general council. Such resolution should designate the tribal officials authorized to execute the contract on behalf of the tribe.

Section 6. No objection is made to the provisions of this section, but it should be understood that our comments in connection with Section 1 of Article III of the Constitution concerning the approval of contracts likewise apply to this section.

Section 7. In regard to the provisions of this section, it must be understood that where income is derived from trust sources and such monies are processed through the Individual Indian Money Accounts, the Individual Indian Money regulations shall govern.

Section 8. Monies appropriated to satisfy judgments obtained by Indian tribes before the Indian Claims Commission or the Court of Claims can be used or expended as provided by acts of Congress, and as may be required therein subject to the approval of the Secretary of the Interior. Inasmuch as this section seeks to substitute the desires of the Tribe for the actions of the Congress, Section 8 of Article IV of the By-laws is disapproved and should be deleted from the tribal document.

Article V - Duties of Officers

While the duties of the Committee Chairman could have been more explicit, no objection is made to the provisions of this section. We interpret the reference to "executive chairman" to mean the Chairman of the Yankton Sioux Tribal Business and Claims Committee.

Article IX - Undue Influence on Contracts

Section 1. This section as constructed does not provide how the "undue influence" will be determined and who shall make the determination. To avoid internal tribal complications arising from this provision, Section 1 of Article IX of the By-laws is disapproved and is to be deleted from the tribal document.

Article XIII - Amendments

Section 1. The provisions for amending the By-laws of the tribal document could have been more explicit. However, no objection is taken to the provisions. It is, however, understood that amendments to the By-laws shall be accomplished in accordance with the provisions of Article XI of the Constitution.

A copy of the amended constitution and by-laws is returned. In order to avoid any misunderstanding over the intent of the provisions of the tribe's constitution and by-laws, a copy of this letter should be made a part of each copy of the tribe's document.

In considering the amended constitution, it has been necessary to clarify many aspects of the modifications in order to avoid misunderstandings. The tribe, for this or any other reason, may deem it desirable to propose subsequent amendments. We want the tribe to know that the Bureau is always happy to assist in the formulation of amendatory language in keeping with tribal needs.

We are aware of the circumstances under which the tribal officials undertook this difficult task, and we tender our appreciation and commendation for their efforts in the modification of the Tribe's organizational document.

The amended constitution of the Yankton Sioux Tribe is approved as set forth herein.

Sincerely yours,

/Sgd/ J. Leonard Harwood
[Acting] Commissioner

Transmitted: May 4, 1963

/Sgd/ Martin N. B. Holm
Area Director

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[Tribal officials hope that this document can be up-dated in the not too distant future.]

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